

VILLAGE OF NEWBURGH HEIGHTS
MINUTES OF COUNCIL MEETING
HELD 12/7/21

Mayor Elkins called the meeting to order at 6:33 PM.

Roll Call: Kray, Giersz, Traore, and Dunman present. Moran absent.

Also in attendance: Law Director Luke McConville, Fiscal Officer Cathleen Nagorski

Ms. Traore motioned to enter into executive session. Mrs. Kray seconded. Motion passed 4 yes – 0 no.

Executive session began at 6:34 PM.

Discussion of personnel issues (to consider appointment, employment, discipline, or compensation of a public employee or official.

Mrs. Kray motioned to exit executive session. Ms. Giersz seconded. Motion passed 4 yes – 0 no.

Concluded executive session at 7:18 PM; Mayor Elkins called a short recess to prepare for the regular meeting.

Mayor Elkins called the Regular Session of Council to order at 7:30 PM.

Roll Call: Kray, Giersz, Traore, and Dunman present. Moran absent.

Also in attendance: Law Director Luke McConville, Fiscal Officer Cathleen Nagorski, Fire Chief Brian Higginbotham, Housing Commissioner Kristine Pagsuyoin, Service Director Tony Ciresi, Village Engineer Jim Sickels, and Economic Development Director Anthony Togliatti

All stood for Pledge of Allegiance. Mayor Elkins requested all cell phones and pagers be placed on silent mode.

Ms. Traore motioned to excuse Mr. Moran from tonight's meeting due to illness. Seconded by Mr. Dunman. Motion passed 4 yes – 0 no.

Ms. Traore motioned to amend the agenda to add Resolution 21-23. Seconded by Mrs. Kray. Motion passed 4 yes – 0 no.

Good & Welfare:

Mayor Elkins requested a moment of silence in memory of today's anniversary of the attack at Pearl Harbor, the passing of John Fortuna's mother, Ann Lipnick, and the husband of Honie Sigley.

Mayor Elkins noted that this is the last regular meeting of 2021: Happy Chanukah, Merry Christmas, and Happy New Year to all.

Economic Study Presentation:

Director Togliatti provided a brief review of the project and introduced the representatives of OHM Advisors and DiSalvo Development to provide details. (Due to technical difficulties, the presentation was then postponed.)

Reading & Disposition of the Minutes:

November 2, 2021 Regular Session of Council
October 31, 2021 Special Session of Council

Ms. Traore motioned to approve the minutes as presented. Seconded by Ms. Giersz. Roll call: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Public Comment:

Brian Wright thanked Ms. Traore for all the efforts to provide the Cleveland Public Library boxes at Village Hall. He suggested that the holiday lights along Washington Park Boulevard be expanded in upcoming seasons to provide a destination for visitors. Mayor Elkins shared that has been discussed, and will be again soon.

Mr. Wright also noted new housing development in the Old Brooklyn neighborhood of Cleveland, and hopes that Newburgh Heights can follow suit. Mayor Elkins agreed, but confirmed that the Village cannot provide the financial incentives that Cleveland does, and we are still working to expand new housing. Note that new houses in the Village have been built in the past couple of years for the first time in over 50 years.

Legislation:**ORDINANCE 2021-46****INTRODUCED BY: MAYOR ELKINS AND
ALL OF COUNCIL**

AN ORDINANCE CONSOLIDATING THE PAY, REMUNERATION AND BENEFITS PROVISIONS FOR ALL POLICE DEPARTMENT PERSONNEL, AND AMENDING OR REPEALING, AS APPLICABLE, ALL ORDINANCES OR PROVISIONS THEREIN THAT ARE INCONSISTENT WITH THE PAY, REMUNERATION, AND BENEFITS SCHEDULES ADOPTED HEREBY, AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Ordinance 2021-46, rules suspended and that Ordinance 2021-46 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Ordinance 2021-46 is adopted.

ORDINANCE 2021-47

INTRODUCED BY: MAYOR ELKINS

AN ORDINANCE AUTHORIZING PAYMENT TO THE NEWBURGH HEIGHTS COMMUNITY IMPROVEMENT CORPORATION ("CIC") OF \$30,000.00 FOR PURCHASE AND DEMOLITION OF CERTAIN REAL ESTATE PURSUANT TO A PURCHASE OFFER AND AGREEMENT BETWEEN THE CIC AND JEANNE M. UHER FOR PURCHASE OF THE REAL PROPERTY AND IMPROVEMENTS LOCATED AT 4411 GAMMA AVENUE, NEWBURGH HEIGHTS, OHIO, AND FURTHER AUTHORIZING REIMBURSEMENT OF THE CIC FOR ITS PROFESSIONAL AND LEGAL EXPENSES IN CONNECTION WITH SAID TRANSACTION.

Ms. Traore motioned to adopt Ordinance 2021-47, rules suspended, and that Ordinance 2021-47 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Mr. McConville noted that, while the agenda places this before council for approval with suspension of rules, the language of the legislation does not indicate that. Neither does Ordinance 2021-48. He advised council to place both ordinances on first reading tonight and proceed with three readings, or amend the legislation for the next meeting and present for suspension of rules and passage at that meeting.

Ms. Traore motioned to rescind the approval of Ordinance 2021-47, and instead place it on 1st reading. Mrs. Kray seconded. Roll call: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Ordinance 2021-47 is placed on 1st reading.

ORDINANCE 2021-48

INTRODUCED BY: MAYOR ELKINS

AN ORDINANCE AUTHORIZING PAYMENT TO THE NEWBURGH HEIGHTS COMMUNITY IMPROVEMENT CORPORATION ("CIC") OF \$225,000.00 FOR PURCHASE OF CERTAIN REAL ESTATE PURSUANT TO A PURCHASE OFFER AND AGREEMENT BETWEEN THE CIC AND JOHN BARR FOR PURCHASE OF THE REAL PROPERTY AND IMPROVEMENTS

LOCATED AT 4429 HARVARD AVENUE AND 4505 HARVARD AVENUE, NEWBURGH HEIGHTS, OHIO, AND FURTHER AUTHORIZING REIMBURSEMENT OF THE CIC FOR ITS PROFESSIONAL AND LEGAL EXPENSES IN CONNECTION WITH SAID TRANSACTION.

Ordinance 2021-48 is placed on 1st reading.

ORDINANCE 2021-49

INTRODUCED BY: MAYOR ELKINS

AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWBURGH HEIGHTS THROUGH MARCH 31, 2022, AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Ordinance 2021-49, rules suspended and that Ordinance 2021-49 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Ordinance 2021-49 is adopted.

ORDINANCE 2021-50

INTRODUCED BY: MAYOR ELKINS

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ASSIST NOW, THE EAP DIVISION OF RECOVERY RESOURCES, FOR THE PROVISION OF BEHAVIORAL SERVICES TO VILLAGE EMPLOYEES, AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Ordinance 2021-50, rules suspended and that Ordinance 2021-50 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Ordinance 2021-50 is adopted.

ORDINANCE 2021-51

INTRODUCED BY: MAYOR ELKINS

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWBURGH HEIGHTS THROUGH DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Ordinance 2021-51, rules suspended and that Ordinance 2021-51 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Ordinance 2021-51 is adopted.

RESOLUTION 21-19

INTRODUCED BY: MAYOR ELKINS

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO ADVANCE THREE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$300,000.00) FROM THE GENERAL FUND (100) TO THE GRANTS/CDBG FUND (205), AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Resolution 21-19, rules suspended and that Resolution 21-19 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Resolution 21-19 is adopted.

RESOLUTION 21-20

INTRODUCED BY: MAYOR ELKINS

A RESOLUTION TO PROVIDE THAT ALL VILLAGE EMPLOYEES WILL NOT FORFEIT THEIR 2021 EARNED BUT UNUSED VACATION DAYS AND WILL BE PAID FOR THE VACATION TIME IN LIEU OF FORFEITURE, AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Resolution 21-20, rules suspended and that Resolution 21-20 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Resolution 21-20 is adopted.

RESOLUTION 21-21

**INTRODUCED BY: MAYOR ELKINS
AND ALL OF COUNCIL**

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO FILE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF

DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Resolution 21-21, rules suspended and that Resolution 21-21 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Resolution 21-21 is adopted.

RESOLUTION 21-22

INTRODUCED BY: MAYOR ELKINS

A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT, AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Resolution 21-22, rules suspended and that Resolution 21-22 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Resolution 21-22 is adopted.

RESOLUTION 21-23

INTRODUCED BY: MAYOR ELKINS

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO TRANSFER NINETY-ONE THOUSAND SIX HUNDRED DOLLARS (\$91,600.00) FROM THE GENERAL FUND (100) TO THE GENERAL OBLIGATION FUND (301), AND DECLARING AN EMERGENCY

Ms. Traore motioned to adopt Resolution 21-23, rules suspended and that Resolution 21-23 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Resolution 21-23 is adopted.

PAYROLL RESOLUTION #4522**INTRODUCED BY: COUNCIL****OCTOBER 2021 DISBURSEMENTS**

A RESOLUTION AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN BILLS. BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS OF OHIO THAT THE FOLLOWING BILLS BE PAID AND THE SAME ARE HEREBY APPROVED AND THE FISCAL OFFICER AND MAYOR ARE HEREBY RESPECTFULLY AUTHORIZED TO DRAW THEIR WARRANTS AND CHECKS FOR PAYMENT OF SAID BILLS AS SET FORTH ON THE FOLLOWING PAGE(S) IN THE TOTAL AMOUNT OF \$972,808.42 AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Payroll Resolution #4522, rules suspended and that Payroll Resolution #4522 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Payroll Resolution #4522 is adopted.

PAYROLL RESOLUTION #4523**INTRODUCED BY: COUNCIL****EMPLOYEE PAYROLL P/E. 10/30/2021****PD. 11/5/2021**

A RESOLUTION AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN BILLS. BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS OF OHIO THAT THE FOLLOWING BILLS BE PAID AND THE SAME ARE HEREBY APPROVED AND THE FISCAL OFFICER AND MAYOR ARE HEREBY RESPECTFULLY AUTHORIZED TO DRAW THEIR WARRANTS AND CHECKS FOR PAYMENT OF SAID BILLS AS SET FORTH ON THE FOLLOWING PAGE(S) IN THE TOTAL AMOUNT OF \$85,763.54 AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Payroll Resolution #4523, rules suspended and that Payroll Resolution #4523 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Payroll Resolution #4523 is adopted.

PAYROLL RESOLUTION #4524**INTRODUCED BY: COUNCIL****EMPLOYEE PAYROLL P/E. 11/13/2021****PD. 11/19/2021**

A RESOLUTION AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN BILLS. BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS OF OHIO THAT THE FOLLOWING BILLS BE PAID AND THE SAME ARE HEREBY APPROVED AND THE FISCAL OFFICER AND MAYOR ARE HEREBY RESPECTFULLY AUTHORIZED TO DRAW THEIR WARRANTS AND CHECKS FOR PAYMENT OF SAID BILLS AS SET FORTH ON THE FOLLOWING PAGE(S) IN THE TOTAL AMOUNT OF \$100,285.20 AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Payroll Resolution #4524, rules suspended and that Payroll Resolution #4524 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Payroll Resolution #4524 is adopted.

PAYROLL RESOLUTION #4525

INTRODUCED BY: COUNCIL

EMPLOYEE PAYROLL P/E. 11/27/2021

PD. 12/3/2021

A RESOLUTION AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN BILLS. BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS OF OHIO THAT THE FOLLOWING BILLS BE PAID AND THE SAME ARE HEREBY APPROVED AND THE FISCAL OFFICER AND MAYOR ARE HEREBY RESPECTFULLY AUTHORIZED TO DRAW THEIR WARRANTS AND CHECKS FOR PAYMENT OF SAID BILLS AS SET FORTH ON THE FOLLOWING PAGE(S) IN THE TOTAL AMOUNT OF \$89,309.92 AND DECLARING AN EMERGENCY.

Ms. Traore motioned to adopt Payroll Resolution #4525, rules suspended and that Payroll Resolution #4525 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, and Dunman voted yes. Motion passed. Motion passed. Roll call on adoption: Kray, Giersz, Traore, and Dunman voted yes. Motion passed.

Payroll Resolution #4525 is adopted.

Reports:

Mayor:

Mayor Elkins noted a recent incident in which the housing inspector broke the rules; she has apologized and will receive discipline as prescribed by the Village's personnel policy manual. He also apologized on her behalf to the residents.

Mayor Elkins reminded the public that if they are trying to contact the Village, they must utilize an official Facebook page operated by the Village, including the pages maintained by police department and the fire department. Certain messages have been forwarded to him recently from private groups, and those were addressed. Again, the Village's Facebook page can be used to highlight issues and concerns, but it is best to call or email, or attend a council meeting. We will also be scheduling a Town Hall and Conversation event in February – stay tuned for details.

Mayor Elkins reviewed the Budget Snapshot for November, and updated council on the status of year-end requirements for the Ohio Auditor of State, and the Cuyahoga County Budget Commission.

Mayor Elkins shared certain residents' concerns regarding the Newburgh Heights Community Improvement Corporation, or CIC. He detailed the formation of the CIC, the state laws that are followed, the makeup of the CIC board, how the CIC spends funds and where funds come from, and provided amounts for each transaction in 2019 and 2020. The regularly scheduled state audit of the CIC for those years was recently released, and it was successful with no notes, findings, or citations. Congratulations to Fiscal Officer Nagorski, CIC board members, and council for their attention to this important operation.

Fiscal Officer:

Mrs. Nagorski noted that the regular bi-annual state audit of the Village is also underway, and nearly finished; we hope to have the results by year-end.

Fiscal Officer Nagorski presented the October 2021 Fund Cash Report:

General Fund MTD Receipts	\$ 542,068.32
General Fund MTD Disbursements	\$ 554,094.42
General Fund Unexpended Balance	\$1,413,767.74
All Funds MTD Receipts	\$ 583,810.30
All Funds MTD Disbursements	\$ 972,808.42
All Funds Unexpended Balance	\$2,679,057.79

Fiscal Officer Nagorski presented the November 2021 Fund Cash Report:

General Fund MTD Receipts	\$ 510,912.67
General Fund MTD Disbursements	\$ 483,875.05
General Fund Unexpended Balance	\$1,439,786.16
All Funds MTD Receipts	\$ 708,869.75
All Funds MTD Disbursements	\$ 990,648.90
All Funds Unexpended Balance	\$2,395,862.22

Fiscal Officer Nagorski read the November 2021 RITA report (see attached.)

Fiscal Officer Nagorski presented the November 2021 Rumpke report (see attached.)

Mrs. Kray:

Thank you very much to everyone on staff and volunteers who helped with the Thanksgiving Program.

Santa will be visiting the Village this Saturday, December 11. If you have not registered your children or grandchildren, you need to do so by tonight.

Ms. Giersz:

Nothing at this time.

Ms. Traore:

Council's requests for additions to the 2022 budget are due soon. Please forward ASAP.

Provided the council pro tempore annual report for 2021 (see attached.)

Mr. Dunman:

Nothing at this time.

Chief Majoy:

Mayor Elkins noted that Chief Majoy is ill, but questions regarding the October and November 2021 NHPD reports can be sent via email or discussed via a phone call.

Chief Higginbotham:

Presented the September and October 2021 NHPD reports.

Shared a staffing review noting the success of making the change to full-time scheduling requirements for the fire department. Thank you to council for the investment in that improvement to the department, as it helps them serve residents much better, and thanks to the administration for their support.

Ms. Pagsuyoin:

Thank you to council for their continued support of the housing and building department. Please keep asking questions, and sending residents to the housing department when there is an issue or concern – we can help get everything resolved.

Mr. Sickels:

Presented the December 2021 Engineer's report (see attached.)

Mr. Ciresi:

Thank you to Jerry Coburn, the service department foreman, for his knowledge and hard work during the transition to a new service director, and bringing on many new laborers. His work is much appreciated.

Davey Tree has scheduled plantings as part of the tree grant project for December 16. He expressed concern that it seems very late in the season, but they assured him that the trees will be viable.

Leaf pickup is wrapping up, as most leaves are down. The vacuum crew continues to make the rounds of the Village each week, as long as the weather holds. Prepping snow equipment for winter season.

Mr. Togliatti:

Continuing work with the owner of the bakery who intends to take over the Newburgh Social Center site. Business is expected to open in May 2022.

A few developers have been looking at the 6-unit building on East 44th; we should have movement on that project soon.

Due to the changes in the market with Covid-19 concerns, we have had new interest from fast-casual dining chains in the Harvard/East 49th property that used to house the police and fire departments. Working with the current owner on facilitating a tenant.

Purchases & Approvals:

- a. Ms. Traore motioned for the approval of the September 2021 Fund Cash Report. Seconded by Mrs. Kray. Roll call: Dunman, Moran, Kray, Giersz, and Traore voted yes. Motion passed.

b. Ms. Traore motioned for the approval of appointment of Sean Mayer to full-time service department laborer at a starting rate of \$22.00/hr. Seconded by Mr. Moran. Roll call: Dunman, Moran, Kray, Giersz, and Traore voted yes. Motion passed.

c. Ms. Traore motioned for the approval of the appointment of Anthony Ciresi to service director. Seconded by Mr. Moran. Roll call: Dunman, Moran, Kray, Giersz, and Traore voted yes. Motion passed.

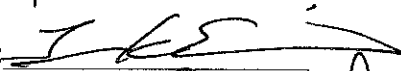
Public Comment:

Nothing at this time.

Adjournment:

Ms. Traore motioned to adjourn the meeting at 8:16 pm. Seconded by Mrs. Kray. Motion passed 4 yes - 0 no.

Date Approved: 1/18/22

Mayor Trevor Elkins: 

Fiscal Officer Cathleen Nagorski: 