

**SPECIAL COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON WEDNESDAY, JUNE 14, 2017**

The meeting was called to order by Council President Astorino at 8:30 p.m., who read the meeting notice. The clerk called the roll and the following Members of Council answered:

**SCOTT, SALVATORE, TROYER, POWERS, McDONNELL, MENCINI**

Also in attendance were Law Director Horvath, Safety Director Byrnes and Finance Director Cingle.

Mr. Astorino stated Councilman Burgio contacted the Council office that he will not be in attendance and has an excused absence.

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**SUBJECT:**

**REMARKS FROM THE AUDIENCE ON ITEMS THAT PERTAIN TO THE AGENDA ONLY:**  
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**VERBAL APPROVAL:**

1. FACT FINDERS REPORT - POLICE SERGEANTS AND LIEUTENANTS:

**Motion** by Mr. Troyer, supported by Mrs. Powers, to accept the fact finders report.  
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Mr. Salvatore stated to Safety Director Byrnes to get a few items clarified prior to the vote. This has a total membership for this part of the unit of seven members?

Mr. Byrnes concurred seven members.

Mr. Salvatore continued to Safety Director Byrnes the potential financial exposure to the city with the 'Me Too' clauses available throughout the contracts; has a financial risk burden of \$180,000?

Mr. Byrnes responded from my end that was an estimate and would confer to Finance Director Cingle.

Mr. Cingle stated reviewing this and talking to the safety director if the 'Me Too' clauses are utilized and the fact if there's going to be further discussions with other unions. The cost of this award could get into the \$180,000 rang. So again, it all

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depends if the 'Me Too' clauses are utilized with the other unions and how it would work out with the service department.

Mr. Salvatore continued to the safety director, in the event that Council votes this down. Would this put the two parties back at the table, is there any wiggle room to try and negotiate a better deal?

Mr. Byrnes responded yes, it would put the city back at the table with the hope that something can be worked out. I would rather not go through another conciliation hearing I prefer to work something out with the union, if we can and think the labor counsel for the city feels the same way.

Mr. Troyer stated to Safety Director Byrnes, you're saying that this actually won't go to conciliatory it would go to negotiation first?

Mr. Byrnes responded pursuant to the law if the fact finder report is rejected there's a waiting period of seven (7) or (9) days; at which time we would be negotiating with the NOPBA (Northeast Ohio Patrolmen Benevolent Association). Once a conciliator is appointed there would still be conversations up until a hearing would be necessary; it would be the city's intention to try and work something out with the OPBA. The hearing will not occur in a week the hearing, I can't imagine, occurring much sooner than 60 days from now or even longer.

Mr. Troyer stated the city has already been through negotiations without Council's knowledge and without following Chapter 153. Can you tell when it was reopened and when negotiations started?

Mr. Byrnes responded the contract was currently in place and had a two-percent (2%) wage increase to the FOP (Fraternal Order of Police) that was transferred up to the OPBA. The OPBA had a reopener that also addressed rank differential and professional pay as health care. The city was in continuing conversations with OPBA with the rank differential and basically couldn't come to an agreement because of the fact of what is in the memo to Council. With the reopener for the NOPBA the pay raise of two-percent (2%) in January that allotted everyone and passed by Council was credited to them. They had the opportunity to address professional pay - rank differential and we're having dialogue throughout most of the early part of the year; there were a handful of meetings. So that was part of the contract passed by Council last year and that began with an estimation of sometime in February.

Mr. Troyer stated the reopener, when did negotiations start with the reopener?

**VERBAL APPROVAL:**

1. FACT FINDERS REPORT - POLICE SERGEANTS AND LIEUTENANTS: cont.

Mr. Byrnes responded I believe, the last quarter of the year but my recollection is it started in February. Everyone knew there had to be a reopener and think the patrolmen were waiting until everything else settled.

Mr. Troyer continued there is an ordinance 153.18 - Wage, Salary and Contract Review Committee that states:

(a) There is hereby created a Wage, Salary, Benefit and Contract Review Committee.

(b) The Committee shall consist of the Mayor, who shall serve as Chairman, the President of Council, the Auditor, which would be the Finance Director and all Members of Council.

(c) The Committee shall establish economic guidelines and goals prior to the commencement of negotiations and yesterday was the first time Council heard about negotiations being conducted; Mr. Troyer expressed issue with that.

Mr. Mencini stated to Safety Director Byrnes with the clerical duties that are prevalent on fact finding items. Are these assigned duties, where they put in the contract?

Mr. Byrnes responded some of those duties were assigned by the chief and some of those duties were duties that were already in place. There is not a contract clause that changed with the dispatchers leaving; so those duties are just administratively assigned to various people.

Mr. Mencini continued is that the case of most cities; there are sergeants, lieutenants doing clerical work, at one point, dispatch work.

Mr. Byrnes responded the police department works as a team and have departmental goals and all work together. Some clerical work is assigned and there is a patrolperson that works during the day assigned to the chief's office. There is someone running the property room so the department has various functions that are done. There is no specific clause that outlines their job duties; some of the duties have been routinely done by sergeants or whomever may be available. The police chief testified at the hearing about the fact that when he was a sergeant he did those duties, I was not here at that time, but that is what he testified too.

Mr. Mencini stated it's also an unusual time because the dispatchers left Brook Park and went to Parma; that is a little outside the normal. A little surprised that no one addressed this during audience participation but that's my Council comment.

Mr. Salvatore asked for the motion to be recited.

**VERBAL APPROVAL:**

1. FACT FINDERS REPORT - POLICE SERGEANTS AND LIEUTENANTS: cont.

The clerk stated there is a motion on the floor by Mr. Troyer, supported by Mrs. Powers, to accept the fact finder's report for the police sergeants and lieutenants.

Mr. Astorino asked for the roll call on the motion to accept the fact finder's report. If Council accepts the fact finder's report the vote is yes, if not the vote is no.

**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** McDonnell, Mencini, Scott, Salvatore. The vote is 2-4.

Mr. Astorino confirmed with the law director and safety director that a vote of five (5) nay votes to reject, is that correct?

Mrs. Horvath responded at this point in time, obviously, the city has labor counsel who is actively involved in this. If that appears to be an issue I would request labor counsel to give an opinion in regard to that. I think Mr. Byrnes may have more prior knowledge of that than I do but if that appears to be an issue I would ask that Mr. Bloch give some sort of an opinion.

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There being no further business to come before this meeting a **motion** by Mr. Troyer, supported by Mr. Mencini, to adjourn.

**ROLL CALL: AYES:** Troyer, Mencini, McDonnell, Powers, Salvatore, Scott

**NAYS:** None. The motion carried.

Council President Astorino declared this meeting adjourned at 8:44 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *July 18, 2017*

THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.