REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 19, 2017

The meeting was called to order by Council President Astorino at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McDONNELL, MENCINI
Also in attendance were Mayor Coyne, Law Director Horvath, Safety Director Byrnes, Service Director Cayet, Engineer Piatak, Finance Director Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:
1. REGULAR COUNCIL MEETING HELD ON SEPTEMBER 5, 2017.

Motion by Mr. Mencini, supported by Mr. Burgio to approve as printed.
ROLL CALL: AYES: Mencini, Burgio, Scott, Salvatore, Powers, McDonnell
NAYS: None.
ABSTAIN: Troyer The motion carried with a vote of 6 and 1 abstention.

REPORTS OF STANDING COMMITTEES:
Aviation & Environmental Committee – Chairwoman, Powers
Mrs. Powers stated no report.
Finance Committee –Co-Chairman, McDonnell
Mrs. McDonnell stated no report.
Legislative Committee – Chairman, Troyer
Mr. Troyer stated no report and commented to advise him if you want anything out of the Legislative Committee; almost everything is in Committee over 60 days.

Mayor Coyne requested everything over 60 days be pulled out.

Parks & Recreation Committee – Chairman, Mencini
Mr. Mencini's report is attached to these minutes.
Planning Committee - Chairman, Troyer
Mr. Troyer reported there were two items at last week's meeting, one was to construct a double house on Smith Road that was approved and the second was for a building on Middlebrook and West 130 that was tabled for more information.
Safety Committee – Chairman, Salvatore
Mr. Salvatore stated no report.
Service Committee – Chairman, Burgio
Mr. Burgio stated no report.
Board of Zoning Appeals – Chairman, Scott
Mr. Scott reported the board met before the Planning Commission meeting last Monday and approved four variances if everything is contingent with the Planning Commission approving the plans
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REPORTS OF SPECIAL COMMITTEES:

SOUTHWEST GENERAL HEALTH CENTER – TRUSTEE MR. SALVATORE:

Mr. Salvatore reported Quality of Safety Measures are still on target on key quality and safety methods. The center received the 2017 Quality Improvement Award and the 2017 Industry Leading Innovator Award and remain consistent with patient volume with the previous year. Our Operating Budget through the end of July is better than targeted. The Joint Commission survey was completed of the heart failure program; the surveyor praised the program and people for their commitment to patient care.

BEREA BOARD OF EDUCATION COMMITTEE – TRUSTEE, BURGIO:

Mr. Burgio reported at the September 11th meeting, Pupil Services gave a presentation to update the school board. In the facilities update, Superintendent Shepherd stated that they met with a larger group and noted they would be blending into smaller groups and are researching other districts for ideas. The Bond Oversight meeting was to have taken place the second week of September with Brewer-Garrett having the lowest bid of $230,700 towards integration of all five school's HVAC systems into one. The board attempted to approve a Resolution seeking independence from the Brook Park Civil Service Commission and the board unanimously agreed to rescind until further discussion. The school district made an agreement with the Middleburg Heights Food Pantry by leasing part of the junior high school for five years through August 2022 at $1 per year with an option to extend. Camp MiBroBe has entered its 49th year and there were about 50 donations made to the Berea Student-in-Need program.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne reported the renovation has begun on the roof of the Recreation Center and the renovation of the locker rooms will be scheduled, closures will be posted. Mayor Coyne and other officials met with part of the planning group at Berea School System about the new elementary school that is going in at the old Ford Middle School site, made some recommendations. The group seemed open to them and Mayor Coyne was very impressed with the preliminary plans; our students will have the opportunity to attend a first-rate elementary school.

Mr. Mencini asked if a Senior Center can be worked into the Recreation Center other than the Community Room.

Mayor Coyne commented this is a discussion that will need to be had as to what is needed. We are going to facilitate some social areas in the locker rooms for people to meet.

Reports and Communications from The Mayor: (cont.):

Mr. Mencini stated a room for cards, a television, somewhere the seniors can be with other seniors. Is the meeting still on for Thursday to discuss the pools?

Mr. Coyne stated yes, the pool will be a large issue once discussions are started and people must understand the situation, what must be done and where the funding will come from.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND OTHER PUBLIC OFFICIALS:

City Engineer Piatak

Mr. Piatak reported the Snow Road Resurfacing Project - Phase 2, on the west end, the contractors are working on the catch-basin casting, curb and concrete repairs; lanes may be able to flipped to the inside over the weekend. With the 2017 Sidewalk Repair program; contractor works continues by Haviland and Wedgewood. The Bowfin Reconstruction Project between Fry and Doris; the north side and south side are poured and the project is being wrapped up with landscaping, aprons, intersection work etc. With the Kalvin Reconstruction Project all the concrete is poured and landscaping has started. The Middlebrook Reconstruction Project concrete was poured on the first phase and weather permitting the second phase will be poured on Friday, maintain southbound traffic progress is being made. Work is done on the OPWC (Ohio Public Works Commission) application that is due on October 5th for Holland Road.

Mr. Mencini asked if there is a timeframe for sidewalks to be started on Zehman, will they be there this fall?

Mr. Piatak will find out and stated the contractors are moving east from Sheldon and will be there this year.

Mr. Mencini asked what is the timeframe for Snow Road?

Mr. Piatak did not remember the timeframe and will find out but the project will be done this construction season.

Mr. Troyer asked if there are suggested salt limits on the newly poured streets?

Mr. Piatak replied on any new street, service crews do not apply salt.

Mr. Troyer asked if Mr. Piatak had a report on the Sylvia project.

Mr. Piatak replied contractors are working on catch-basins and will be doing asphalt removal this week; phase one concrete will begin Monday starting at Fry Road on the north side of the street-westbound land. Notices will be sent out on Friday and the project is expected to be finished this year.

Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):

Service Director Cayet

Mr. Cayet reported the department took delivery of two new automated rubbish trucks last week that have been sent out for undercoating. The department made the trade on the mini-excavator for the Bush-hog tractor.

Safety Department Director Byrnes

Mr. Byrnes reported the Best Rewards Credit Union on Smith Road was robbed today and within an hour suspects were in jail; the robbery is under investigation. Mr. Byrnes hopes to see people come to the Safety Fair this weekend. Also, Wednesday, September 20th from 9:00 a.m. to 11:00 a.m., NASA is having a mass casualty drill so residents may hear sirens and see helicopters.

Mr. Mencini thanked the Safety Department for working on illegal parking and stated that an email was received about a bus on Engle Road. It his thoughts that the mother was just being proactive and asked Mr. Byrnes thoughts on what options did this mother have?

Mr. Byrnes replied he received the email and sent it to Police Chief Foster and this happens occasionally where people are going around a school bus; police officers will keep an eye on Engle Road to make sure the laws are followed.

Law Department Director Horvath

Mrs. Horvath stated she provided Council with a list of pending active civil litigation, there are three cases on the list. The first is a foreclosure awaiting a hearing in October, the third case is in status quo and the second case. The second case on 16644 Snow Road vs. Brook Park, the stipulation for dismissal was electronically filed this afternoon and that case is now dismissed; they will have to comply with all the requirements of building codes. Mrs. Horvath thanked Assistant Law Director Sackett, Fire Officer, William Bennett and Building Commissioner Ted Hurst for all their assistance.

Finance and Tax Director Cingle

Mr. Cingle stated no report this evening.

Mr. Astorino asked about Income Tax Collections, the August report shows the city collecting little over $13.5 million; last year the projection was at $13.4 million. When we projected for this year, we projected a little less?

Mr. Cingle replied the reason for the lower estimate was we forecasted the automotive sector would be down a bit this year and on the compliance side, cases that are going through the Tax Court are still on a tax payment plan. We will continue to monitor this and will make an adjustment in the next month.

Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):
Mr. Astorino asked about any Capital adjustments being made.

Mr. Cingle replied the Mayor and I are still working on it and there a couple of sewer projects the Mayor would like to finalize and complete this year; this week we started looking at General Fund adjustments for the rest of this year.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):
VERBAL APPROVAL:

1. COUNCIL OFFICE COMPENSATION

Mr. Astorino stated that in the previous meeting Council went into Executive Session and agreed on how to make the adjustments to the employees in the Council Office; the decision was to have verbal approval for adjustments.

Motion by Mr. Troyer, supported by Mr. Mencini to approve as discussed.

Mr. Salvatore asked what the adjustment will be.

Mr. Astorino asked the Law Director if he can answer since this was discussed in Executive Session. He believes that in the past the figure was not revealed in an open meeting just a memo sent to the Finance Director after verbal approval.

Mrs. Horvath replied there may not have been a meeting of the minds as to what was discussed in Executive Session. Since everyone does not know the number, she suggests it may not be appropriate to vote on it now. You may want to go back into Executive Session; it is appropriate to have a meeting of the minds before voting.

Mayor Coyne stated no matter what action Council takes; personnel compensation must be approved by the Mayor. All employees have the right to have salaries discussed in Executive Session, all residents have the right to know the amount of compensation, he has to know what he is approving.

Mr. Astorino stated he has a concern disclosing what was discussed in Executive Session.

Mayor Coyne replied Councilman Salvatore is not asking you to do that he just wants the figures.

Mr. Astorino stated there would be a 2% increase to the hourly rate of the part-time clerk and a 2% increase for the Council Clerk with an added equity adjustment bringing her salary to $60,500. Mr. Astorino does not think there was any vagueness at the Executive Session and the pay range for the Clerk of Council is $54,900 to $65,304; this will put her in mid-range.

Other Communications and Petitions, and Verbal Approval: (Introduction of New Legislation: cont.

Verbal Approval cont.

The clerk called the roll on the motion by Mr. Troyer, supported by Mr. Mencini, to increase Council staff salaries.

ROLL CALL: AYES: Troyer, Mencini, McDonnell, Powers, Burgio
NAYS: Salvatore, Scott The motion carried with a vote of 5-2.

2. WESITE SUBPOENAS

Motion by Mr. Scott, supported by Mrs. McDonnell to approve.

ROLL CALL: AYES: Scott, McDonnell, Mencini, Troyer, Salvatore, Burgio
NAYS: Powers The motion carried.

Mr. Astorino asked for a motion to have the two items submitted to be read at tonight's Council meeting that were provided 96-hours beforehand; for correspondence requested to be read and the investigator's report.

Motion by Mr. Troyer, supported by Mr. Scott to add the items to the agenda.

ROLL CALL: AYES: Troyer, Scott, Burgio, McDonnell, Mencini, Salvatore
NAYS: Powers The motion carried.

The clerk read the correspondence and investigators report into the record as requested.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. RESOLUTION 22-2017 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Motion by Mr. Salvatore, supported by Mr. Burgio to suspend.

ROLL CALL: AYES: Salvatore, Burgio, Scott, Mencini, McDonnell
NAYS: Powers, Troyer The motion failed with a vote of 5-2.

Motion by Mr. Troyer, supported by Mrs. Powers to put this Resolution on a Special Council for September 26, 2017.

ROLL CALL: AYES: Troyer, Powers, Mencini
NAYS: McDonnell, Scott, Burgio, Salvatore. The motion failed with a vote of 3-4.

Mr. Astorino stated Resolution No. 22-2017 has had its First Reading.

Introduction of Ordinances and Resolutions: (First Reading): cont.

2. RESOLUTION 23-2017 DECLARING SEPTEMBER BLOOD CANCER AWARENESS MONTH IN BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Scott, Mencini, McDonnell, Burgio, Troyer and Mayor Coyne.

Motion by Mr. Salvatore, supported by Mr. Scott to suspend.
ROLL CALL: AYES: Salvatore, Scott, Burgio, McDonnell, Mencini
NAYS: Troyer, Powers The motion failed.

Mr. Astorino stated Resolution 23-2017 has had its First Reading.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Council President Astorino - At this time I'm going to recuse myself from the chair and ask the pro-tem to take over because I will be going to the audience.

Mr. Rob Slattery
4396 W 62nd
Cleveland, OH
Mr. Slattery read excerpts of the conclusion document that was submitted to Council earlier today and on file in the Council office.

Ms. Joan Markusic
13911 Bellbrook
Ms. Markusic spoke about Saturday, September 16th, the Special Council meeting being one-half hour long and asked that the person who had the letter read at tonight's meeting to contact her. Because she has never heard Council discuss any information that goes on in here about any Council business or in private and thinks the letter was a little out of context. Ms. Markusic continued that when the investigator and Councilmembers are in the parking lot after meetings the talks are about sports and/or family.

Mr. Jim Astorino
6258 Engle Road
Mr. Astorino - I want to thank you for the opportunity to speak tonight; I'm going to speak about the Council investigation. The reason I'm choosing to speak from the podium-lectern is because it is my best chance to being allowed to speak without interruption. Sometimes when I try to explain things sitting in my chair as President of Council I'm faced with interruptions and would ask, at least this time, for the courtesy of being allowed to provide my comments on the investigation that has been provided. As you all know, the investigation when it started was to be looking at basically three items. One was legislation, one was the Council minutes and the other one dealt with

Remarks from the audience on any subject: cont.
the website. You can see on the report that the first three paragraphs on page four address the altered/missing legislation and starts off with the interview of a law department employee and on page five of the report the interview with the Council clerk addresses the legislation matter in fourth and fifth paragraphs. The only four people mentioned in this report are the law director, law department employee, Council clerk and the former Councilwoman; no other Council representative, including myself is included in this report dealing with the altered legislation. I do take somewhat exception to the fact that on the report it talks about that it was clear that Councilman Scott, Councilman Burgio, Councilman Salvatore or Councilman Mencini had no direct knowledge of the website or the altered documents. When I know when I was talking and doing my interview with the investigator, I explained to him that I had no direct knowledge on the altered documents, I did not witness anything with it. My comments to him were about if I were
to venture a guess on it this is what I would think because this is the way it pointed. However, I'm excluded from his report on saying that I had no direct knowledge on the altered documents, somehow I'm mysteriously excluded from that. As far as on the Council minutes, with that issue, on page five, third paragraph addresses the issue on Council minutes being in the arrears but there is no explanation made on how having only one meeting per week versus two meetings every other week put the clerk in an impossible situation of getting the minutes done. Our rule change on going from one meeting a week as opposed to two meetings every other week. That's a fairly new rule and was one that came into effect because a couple of the Councilmen actually had full-time jobs in another community and had meetings on Monday nights so Council made the adjustment to their schedule. Prior to that for many, many years there was a meeting on the first and third Tuesdays for Council meetings and second and fourth for Caucus meetings; so it's not something that was brand new to this city. It was more of a return to it because as it stands right now the composition there was no conflict, none of us had meetings on Monday; so it wasn't a burden to have the meetings on the four different nights separated. As far as how that could actually do it, get us in the arrears, it seemed to be an oversight by the investigator on the length of the meetings. Every meeting we're having is two, three, four hours not only a long meeting but the minutes were being provided in verbatim format; so the workload increased dramatically. As far as the report, though, I'm glad to report here that we are not in arrears on Council minutes. So what had happened and what the investigation should have...what I think the investigation should have reported was yes, there was a problem. Council made an adjustment, made some changes, addressed the problem and solved the problem. So as I stand right now before you there is no problem with the Council minutes and as long as we continue to do our own minutes in a synopsis format now, with the adjustments that we've made. You can have your long meetings still, discuss all the issues and thoroughly which I think is important to get discussions. It's good for the business of the city to have some discussion on these things and not just shake our heads and say we can do that. As far as the Council website, there's allegations of obstruction but there's no support of this. I cannot understand how anybody can consider the Council President to be obstructing anything when all it takes is a majority vote of Council to take the action. I cannot stop Council from doing anything through just making a motion, getting support and getting a majority vote do that, to sit there and say I'm obstructing it just doesn't make any sense to me. There are some other

Remarks from the audience on any subject: cont.

things with it that seems to be there's concern about any activities in November but if you look actually on the first page of his exhibit 23 there's a communication from Geek Storage that goes to Councilwoman McCormick that says you did it, you successfully created a new Geek Storage account. This exhibit was on March 12, 2016, not November 9, 2015 as everybody keeps asking; so it wasn't until March 12, 2016 that it was actually created because Council did not provide authority until January 4, 2016. The investigation doesn't seem to follow the facts, it just seems to try and make things up as they're going along; trying to create facts to fit into the story that it wants. Since we did not authorize a website until unanimous adoption of the rules on January 4th, there could have been no website. Yes, there was some background work done, there was some preparation work done but that's not unusual. You will see there's legislation that comes before Council all the time that directors and people from the city put work in beforehand; we don't sit there and actually say that's not our authority. We say they got the paperwork together, they got the information together, and provided it to us. So on both three items...and as far as the website, I do want to state the Councilwoman had a well-known and recognized expertise in the website creation and design; so she was designated as the administrator of the website and for the first year pretty much handled all of the website. It's not unusual for Council to do that considering the fact that she had been operating the City of Brook Park website; she revamped it, redesigned it and actually administered that website. So for her to be doing it for us seemed to be the right thing to do. When she took her leave of absence in January I took over as the administrator since I was the Council President but all I did was post on the website, I didn't do any elaborate because I don't have that type of ability to do that type of stuff. The amazing thing about this whole thing with the website, the amazing thing, at least to me, is the cost is under $94.00 for the year. We seem to be spending a whole lot of attention, a whole lot of attention, on such a much to do about nothing; however, you want to say it a mountain out of a molehill. However, what I would like to do now, in addition to dealing with the three items that I just talked about. Because I'm not really sure what the conclusion can be drawn from this I would like to...there are several items that are contained in the report that I'd like to clarify and will try to address the clarifications' in the order that they appear in the report. I ask for your patience on this and think it's an important matter, think it's something that we've been working on for a long time, as you know. It took us until April to bring someone on, it took him until September to give us a report; so there's been a lot of time put into this. So I think there should be a lot of time, also, to be looking at it. The first item I want to deal with is on page one of his report, last sentence, it said a vote was taken to determine that JAB Investigative Services, LLC would be retained to conduct the investigation into Brook Park City Council. I think that's important to keep in mind that his investigation was supposed to be into Brook Park City Council. On page two of the report and there's probably about a couple dozen items that I'm going to go through and give you a brief talk about them but not going to get too in-depth to it, but at least point them out to you. On page two, fourth paragraph I find it amusing, to me, that their hanging their hats saying that the Mayor signed the contract on April 19, 2017. When it's clear when you look at actual exhibit that he has its signed July 19, 2017 and the explanation that we got well the seven was supposed to be a four, that's what it's supposed to look like. The amazing thing is the seven that indicates July is identical to the seven that indicates 2017. So if the seven was supposed to be a four, then the

Remarks from the audience on any subject: cont.

contract would have been signed April 19, 2014. But if you look at some of the other documents that were signed by the Mayor, and look at something that he signed in April, his fours look nothing near like a seven. And, if it does, and if it actually really was that type of thing, I would have asked, and I would have thought it would have been more appropriate for either the Mayor to resign it and re-date it under the direction of the law director. She should have been able to look at it and say this doesn't look like April 19th, this looks like July 19th. I myself tend to believe that it is July 19th that it was signed, it was more of a backward type thing. Then if you go to the page two, the last paragraph, I've already talked about the need.... the part about having no direct knowledge, but I'm kind of concerned about the four councilmen who raised the issue saying that the all expressed concerns for the current status of Council and the need to get back on track. I'm not sure what that means. I've gone through and looked at 87 pieces of legislation that we've passed since January 1, 2016. Sixty-seven of them have been passed with no opposition. That's three out of four being passed with no opposition. There's only been five pieces of legislation that haven't been adopted, that have been rejected by this Council. So, when we say, let's get back on track, the narrative doesn't fit the actual reality. It's a nice thing to say, we're not getting anything done, we need to get back on track, when we are on track. Three out of four pieces of legislation are being passed without objection and this Council has a problem with that. If you go through the rest of it votes are either six to one, five to two, four to three, and only five items, only five pieces of legislation, haven't been adopted. And, guess what, none of those five were introduced by the Mayor. Any legislation the Mayor's introduced and Council's addressed has been passed. So I'm not sure when you say we need to start getting things done and we need to back on track, I'm not sure if the four members of Council really understand about getting on track and what that's supposed to be. But, the investigator, I don't think, looked into any of that. He just took it for the word and like I say, the words don't match up to the reality. Then if you go to page three of his report it talks about the many rule changes that were brought to them by Astorino. Again, there were twelve rule changes. Some of them were just housekeeping things. One of the rule changes was just simply changing the title from 2014 to 2015 for the rules to 2016 and 2017. Now if that's a little too complex for the Members of Council, I'm sorry and I apologize for that. The other things were just changing where the audience participation was there was other meetings and not all of the rule changes were brought to you by Council President Astorino. There were some other Members of Council that gave me feedback on it and I took the time to put the proposal together. Item number five deals with the fact that he makes a comment on page three of the report about placing a phone call to Councilwoman Powers, leaving a message, and that whole situation. And he explained by email that he was the one seeking information and he would document her refusal to cooperate with the investigation, which is what he did at the time. Then later on he sits there and he tries to come to Council saying that we should compel Councilwoman Powers to participate in the investigation when he didn't explain why he reversed himself. Initially he said, okay, you don't want to participate in the investigation and provide answers I will just document that and he acknowledged that that was her right to do. Then, all of a sudden, he wants to compel her to do that. Now I think actually one of the most important ones to look at, or one of the very important ones to look at deals with, also on page three, when he talks about his exhibits two through five. He talks about the

Remarks from the audience on any subject: cont.
following timeline that was discovered during the investigation. His first thing is, on December 9, 2016 Councilwoman McCormick resigns by email to myself. She sent me an email announcing that she was going to resign. He then skips to December 13th talking about an email between McCormick and Astorino asking about her paycheck. What he forgets in his timeline is that on December 14, 2016, the law director sent a certified mail return receipt requested letter to Councilwoman McCormick about her resignation, and in it she said, 'I have also been advised that there is an email from your personal email address to the Council President at his personal email address and published on Facebook that purports to be your resignation. An unsigned private email that is published on a third-party Facebook page is insufficient to affect your resignation from City Council,' and it concludes with other things. But, it's insufficient and at the end she says, 'Upon receipt of this communication, I request that you immediately remit a letter of resignation, if that is your desire, or otherwise directly communicate your intent to the Mayor'. That's left out of his timeline. I think it is an important factor if you're looking into what's going on in Council and dealing with a resignation. To just all of a sudden ignore the fact that the law director all of a sudden started getting involved in this discussion. He also left out something that was sent to the Councilwoman that came from the Commissioner of Human Resources and it was dated December 23, 2015. It came from the Commissioner of Human Resources, but at the bottom, it was also signed by the Mayor. It actually says, "In an effort to simplify the resignation process the Mayor has directed me to send this email to you directly. If it is your intent to resign your position, please confirm your intent via an email reply to me. Upon receipt of your communications, I will see to it that your last check is mailed directly to your home. So, we have communication from the Mayor and the Law Director that they considered the email that she sent with a resignation to be insufficient and that she didn't really resign. Why he left that out, I don't know, because I think its two very important notes that need to be added into the timeline in the investigation. Yes, it's the law director's actions and yes, it's the Mayor's actions but it's dealing with a Councilwoman and how she is resigning. For some reason, inexplicable to me, it's omitted from there. Also, in his report he says the concern here is why Mr. Astorino discussing obstructing the Mayor's authority with any person who resigns from Council with pending criminal charges. If you refer to his exhibit four the email says 'Julie, this is the language in the Charter which may limit the Mayor's supreme authority'. It deals with subject to the provisions of the civil service regulations and the provisions of this Charter the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the city except those required by this Charter to be elected, those whose terms of office may be fixed by this Charter and the department of law and finance. Now, I don't see how quoting a Charter section can be obstructing anything. If anything, during this whole process one of my primary concerns while this was going on was protecting the city's rights and the city's interests but also protecting us from any liability. Any action that we took that might be outside the law could subject us from a lawsuit from the Councilwoman for not getting her due process or for having her civil rights violated. She was an elected official and believe me, my career here I saw many times due process not being followed and it usually causes problems for the city. So I was very sensitive and very attentive to the details so when a Councilwoman who is having some problems and doing things asked me certain questions; as Council President I'm providing the information. All I'm doing is citing sections of the Charter

Remarks from the audience on any subject: cont.
and giving her the information, therefore, covering any liability that we are trying to exclude her and railroad her out of town. I did find it to the next point, if you go to page four of the report and he deals with the first paragraph. He talks about is his interview with the law department employee. His second full sentence says correction was made to the legislation to list Julie McCormick as the sponsor; as no committee has ever sponsored legislation. I found it interesting his use of the word correction; to me alteration fits the word. When the legislation was provided, when the draft was provided to the law department it had introduced by the Finance Committee. They altered it to add in her name and when I expressed to the investigator and I've expressed to many of you. Has been I'm not sure that the law department has the authority to put any Councilperson's name on legislation without their permission. What could have been done is it could have been sent back to the Councilwoman saying it's not proper. Instead, the law department altered the legislation and then put their approval on it. So the question would be, what authority do they have to alter the legislation and put her name on it. Also, if you look at our Council rules, our Council rules and I told the investigator this. Our Council rules actually state in there the legislation will use the committee's name. Now, it may have never been done here but the Council rules permit it and I would say that there's probably been numerous legislation introduced 'Committee of the Whole'. Isn't that the whole Committee of the Whole thing, it's listed as Council as a Whole; it's a committee of the whole introducing legislation. So to say it's never been done, I don't think is an accurate assessment, I think it's a case of a mistake on their part. Because if you also look at that legislation, that legislation dealt with the compensation of non-contractual employees and the legislation was supposed to be for the years 2016 and 2017. When that legislation was returned to Council office, it was for the years 2016 through 2018. Yet, it was approved as legal correctness and we hadn't taken any action on 2018; so it really wasn't correct, wasn't legally correct but was signed by the law department that it was legally correct. As far as, the paragraph that deals with the county Sherriff's Department doing an investigation; we've all read that report. I asked the county for the public records request to get that report and talked to the detective that was doing it, that had concluded it. His answers to me were they pulled the investigation, they stopped it, they were having a status update meeting and found out that there really wasn't enough for them to go forward with it. Because one of the questions I asked the detective was, how come I hadn't been interviewed?
If this had to do with Council office how come they didn't talk to the Council President, I'm the administrator. He said the reason we didn't talk to you is because we stopped the investigation before we got there, we pulled the plug on it. It turned out to us that it was an internal matter, something you guys should handle and we didn't want to go forward with it. It wasn't a matter that they wouldn't pursue criminal charges they didn't see anything there to do that. They stopped the investigation before it was completed and said no, we're not going to do this. That's not worded in this way, his report to us seems to be one-sided and would have hoped when I saw a report he would have been maybe saying it could be this-it could be that and put all the facts out there; not just the facts that he liked. Because the other thing, what I remember from my conversation with him and I will say it tonight, he puts it that. Mr. Astorino stated that the Mayor and the law director cause all the issues with Council, that's not true, I didn't say that and wouldn't say that now. Do I think they cause some problems with Council?

Remarks from the audience on any subject: cont.

Yes, they do. The Mayor thinks the rules don't apply to him and has told me that repeatedly. The Mayor has stood there and wants to process the legislation his way. The law director when she interprets the Charter she interprets things that aren't written in the Charter. She gives the Mayor authority to do things that aren't in the Charter. The Mayor has the authority to introduce legislation there is no denying that. That doesn't mean he gets to put it on second reading, third reading or first reading; he gets to introduce legislation. He has determined that he gets to move it anyway he wants and the law director says yes. Because I've asked where in the Charter does it say that and nobody pointed that

out to me, nobody has said here is where it says, it's not expressly written. Do they cause all the issues? No, there's other things that cause the issues. There's the long meetings, there's the lengthy discussions, there's a willingness or the wanting of Council people to say things more than once. There's times I sat at the chair Councilmen just state your point and let's get to the vote then; let's just do that. Instead of stating your point and when Councilman B states his point. You have to come back and restate your point and tell Councilman B why he was wrong; that's not the way it should be done. Just state your point, make your argument and let's take the vote but everybody likes to talk two or three times, four times sometimes. I've done that a few times by saying Council let's move the agenda, let's go and look up and three or four people have their hands up because they want to add one more thing; oh yeah, one more thing. The lengthy meetings besides the Council people doing that, our Mayor does that. He speaks repeatedly at times and he speaks at length, so they go long, okay. That's what Council is doing, that's what the Mayor is doing, that's what you do; I chair the meeting, I don't get to shut you off. You get to...like I said at the last meeting if you want to end the debate you make a motion to call for the question and then we vote to take whether we end debate; if you don't everyone keeps on talking. If that's what you want to do, that's what you want to do. Page four, fifth paragraph talks about I don't think it's a bad thing for Council to be divided, I don't. Why should we all be of one mind? Why shouldn't there be questions asked? Why shouldn't you have to prove your point? Why should we rubber-stamp things? Why should we just be bobble-heads, why? Why would we do that? Why wouldn't we ask questions? As I stated before three out of four pieces of legislation even after all the discussion passed without objection, so what's the problem. Then he asks me about our regular Sunday meetings and I said yes, the same two come over; the rest don't care, well, I've met with other Council. I've met with at least one other Councilmember on a regular basis to talk about legislation at a different place and I don't see anything in his report that says nobody else does that. You mean to tell me that none of you Council people talk to each other between meetings? Talk to each other about what's on the agenda? It's only wrong for me to do it, it's not wrong for everyone else to do it. There are times when I come to this meeting and see it's already been determined what certain people are going to be doing and people are in support of it. So it's been for a lack of a better term, it has been orchestrated, that's a bad use of a word. I'm not sure but there's been communications between Council people on what they're going to do for the meeting, that's a standard practice. However, if Jim Astorino does it, you go through this you take my name out of here and have eliminated most of the things because why; we'll get to that at the end. Did he ask any others if they met, did he ask if I met with others? I've met with others. Next paragraph he says he'll explain...he explained that he advised the Council when the

Remarks from the audience on any subject: cont.
investigation is complete and he would contact them by email for any other requests for information. Now here's the discussion I had with him because as Council President I saw him one day in Berea Courts and asked him how's the investigation going. Are you read, are you almost done? This was in July, I think it was if I remember the month right, this was in July and he said he's almost done and when he's done he'd like to give it to us. I said well here's how our system works, this is how our legislative process works. If you can get it to me by Thursday before a Caucus meeting, I can put it on the Caucus for the next week and we can have you present it to us in a manner that you can stand here at the microphone and Council can ask you questions; it can be an interchange. If we do it at a Council meeting, it's a little more formal and not the best way to do it. He said he hoped to have it done soon and he would do that. Never happened that way, he comes to the Council, makes a surprise presentation because I didn't know about it. You would think as one of the clients because if you read his contract Council is the client. You would think that he would communicate with his client on what he's going to do, instead of just showing up here. If I, as a client, as an individual, if I had somebody that I had signed a contract with and they acted in that manner I would not be pleased with that person. As the client I would say you're not serving my interests, you're not doing what I asked you to do. Instead, he thinks he's like totally in the right, he doesn't read his contract. We're the client and he's not telling us anything; he's just doing how he wants to do it. The comment I made to him about giving me the information so that I can distribute to Council. It wasn't the filter things it was to make sure that everybody gets the information because that's my job as Council President; to make sure all of you receive the same information. I couldn't assure that if he's sending it directly to people because I don't know if he's sending it to everybody; I don't know if I got it. How would I know? If everything came to me and it came through Council office but instead he wasn't going to do that. Why? I can't figure that out we're the client, I'm telling how we wanted it handled and he does it his way. He's going to say the heck with you I'm going to do it my way. The next paragraph he talks about on May 24th how he asked them to compel Councilmembers Troyer and Powers. If he had asked...when he made this request, I sat down with the law director. I asked to talk to the law director, I met with her, and said I'm not sure if this is necessarily a good idea. Councilman Troyer has criminal charges, has some charges in Berea Court and his lawyer may not like him participating and forcing Councilwoman Powers to participate when he had already said it was okay, I'll just note it. I had one or two meetings with the law director and she was supposed to contact him about that. Because at the meeting that I had with her she was so in agreement with me at that time; she was in agreement that we probably shouldn't be forcing that it wasn't a good idea to force people to participate in this matter. So that's when I started talking about the investigator operating outside his authority, absolutely he is. Let's take a look, his contract for services the overview of services specifically says 'JAB shall provide to the client investigative services as it relates to business conducted by Brook Park City Council both past and present, keep that in mind as you read the report. Brook Park City Council has nothing to do with residents', has nothing to do with anything other Council people. Brook Park City Council and the definition of client hereinafter Brook Park City Council refer to as the client. It may be silly to do through this piece by piece but it's important because when you start adding all these things up, all these different items, the totality of the report, the totality of the mistakes in the report just keep

Remarks from the audience on any subject: cont.
compiling up. Page five, paragraph he talks about I believe that Michelle is in a really rough spot and she was kind to read generally concerned for the safety of her employment. That's not a fact, that's his assumption, that's his opinion, we didn't pay him to come up with an opinion. To think that she's fearful for her job this is the approach this investigator has taken. He's trying to make it sound as if people are being victimized by these actions. Later in his report he talks about he felt he was being intimidated. His report is so lacking in facts that he's trying to play this 'pity me' they're criticizing me. Yes, we're criticizing you. If you're going to do an investigation we're going to criticize it not necessarily negative, sometimes it's constructive, sometimes it's saying what are you doing about this-what are you doing about that; what did you find out. He complained that I asked for records, yeah, I'd like to see his notes because when I see a report I'd like to see his notes to see if he actually paid any attention to it. Maybe, he wrote something different than his notes reflect. As a client, I think I would be entitled to that. He doesn't, he thinks no you have no reason to scrutinize me. You know the Board of Control approve $10,000 for this man, $35.00 bucks an hour; we haven't seen an invoice yet. I don't know...excuse me hold on one second. Would you please stop chirping in my ear?

Mr. Mencini - Audience let him speak, everyone else has spoken, let him speak.

Outbursts from an audience member.

Mr. Astorino - another point. Thank you very much. Did you hear the chair asking you to please let me speak; I have the microphone, not you.

Outburst for an audience member.

Mr. Mencini - Audience, stop let him speak. We let the investigator speak, we let Joan speak, I'll let you speak after.

Mr. Astorino - thank you Mr. Chair, good luck with that it doesn't work well with me. Page six of the report he talks about attending numerous Council meetings to view us in action and one of his most glowing issues is the disrespect we have for the law department. I think it's a grave misunderstanding on his part when he talks about it being disrespectful of the law department. It's my responsibility to question authority; it's my responsibility to not have a blind faith in the authority. If they say something it's my job, as a Councilperson, as an elected official, to read it and make my own interpretation. It's not my job to just say oh, that's what she says I guess she's right, it's my job to read it and analyze it and not necessarily say oh, okay. Because when you have that blind faith there's an old expression, when you have that blind faith in authority that's the greatest enemy of the truth. Because when someone thinks that everybody is just going to follow what they say they can just start saying whatever they want because everybody is going to say oh, okay she says so-he says so, I guess that's the way we have to do it. No, it's my job to question; it's my responsibility to question those things. When someone makes a statement; anyone of you make a statement it's my job to say does that make sense to me, not to just say oh, okay. So it's not a matter of disrespect it's a matter of my job, show some respect in allowing me to do my

Remarks from the audience on any subject: cont.
job with once again not making it sound like I'm victimizing somebody. I'm not victimizing anybody by, I don't know who out here doesn't watch any of the other legislative state levels, national levels; there's always disagreements, there's always questioning of people. Why should it be any different here, why should we say, oh okay, if you say so I guess we have to do it. It's not a matter of no respect, it's a matter of having a different opinion and then he says this is a very troubling and will put the city in a dangerous situation. Big question, how? How is this going to put us in a dangerous situation? How is it going to put us in a dangerous situation? I'll tell you what will put us in a dangerous situation if when Councilwoman McCormick had her problems. If I hadn't followed the rules, if I hadn't followed the meeting guidelines that we have. If I hadn't of prevented special meetings on another subject being brought up on a special meeting, which is a clear violation of our Charter. If I hadn't prevented that stuff that would have put us in a dangerous situation, that would have exposed us to liability. I do that it's wrong, it gets done to me oh, it's okay. So when he says these things it's like...there's things he says in here expressing his opinion but there's no support to it. He's found the law director to be very professional and cooperative, good for him. I found her to be professional; I haven't found her to be real cooperative all the time. I've gotten things...I've asked for legislation to be drafted because...

Mayor Coyne - Mr. Chairman, can I ask Council President's indulgence. My back is killing me and I can watch this on television and I would say that all of us that have questions of the investigation. I don't think this is necessary and believe the Council President will have and should have his opportunity to challenge everything in this report and get his points clarified. What purpose is this for this evening? I'm not being rude, it's not that I don't care about the points he's making but, quite frankly, I can't sit here anymore and listen to it.

Mr. Mencini - Mayor,

Mr. Troyer - that's outrageous

Mrs. Powers - you don't have anybody...

Mr. Mencini - quiet, quiet, I'll answer him. As pro-tem, I want to be fair and don't care who is up at that podium. Everybody in this town has a right to speak whether I agree with him or you agree with him, they have a right to speak. The only thing I ask is this obviously going all night but...

Mr. Astorino - we have until 11:59, Councilman.

Mr. Mencini - we have until 11:59 and have been there before.

Mr. Astorino - you've stated that before and I don't have any problem with the Mayor if he's having...it's not comfortable for me standing here either, standing this long. But, like I say, some of these things to me are important and think it's important for me to say...

Remarks from the audience on any subject: cont.

Mr. Mencini - I don't see signs of a filibuster yet; we do have until 11:59.

Mr. Astorino - yeah.

Mr. Mencini - out of respect for everybody and believe me I'm not being particular could you give a little bit of the high-points and move on.

Mr. Salvatore - seeing how we're out of the regular order of business I'd like to make one comment. I don't have any problem with Council President Astorino being at the microphone and disputing the report as it relates to himself. My only concern is I would like to see that at the end instead of now in case there is a resident that would like to speak. If the president wouldn't mind to take a five-minute break or so to let anyone else that wants to speak.

Mr. Astorino - no, I would mind, I would mind Councilman.

Mr. Salvatore - then come back and finish.

Mr. Astorino - I would mind Councilman, because I waited. The last person spoke and I paused so everybody...

Mr. Salvatore - I don't know if there is anybody or not, but if there is somebody...

Mr. Mencini - to the chair, through the chair please.

Mr. Astorino - I would wish to continue because like I said, I waited, I paused and am sure there were people in the audience wanted to hear what I had to say. So they can get up and address it. I gave them time to come up and speak, they chose not to. I paused for a couple of minutes and got up only because you might actually say seeing no one else coming forward.

Mr. Mencini - I didn't at that point, I didn't at that point.

Mr. Astorino - so I paused.

Mr. Mencini - here's where I'm at, we've been here a long time and it's not for you but we might be taking a little break here because I'm sure a couple of people up here might have to...

Mr. Astorino - there was no time limit.

Mr. Mencini - I'm not stopping you...

Mr. Salvatore - I did have the floor out of regular order of business, seeing how you went out of regular order. I don't mind you finishing, Jim, I really don't, if no one else wants to speak then I'll sit here until 12:00 until you finish. That's my only concern and I didn't realize that no one else wanted to come up and that's why you came up and

Remarks from the audience on any subject: cont.
appreciate that you waited to see if anyone else wanted to come up; barring that if no one else wants to speak then by all means please continue.

Mr. Mencini - I'll be the judge to continue but again, we may be taking a five-minute recess at some point here if this is going to go to 11:59.

Mr. Astorino - it was an exaggeration, it was because you made that exaggeration in the past and I simply did the same thing, Councilman.

Mr. Mencini - Council President, I'm up here and have to go pretty soon and don't know who to turn it over to but go ahead.

Mr. Astorino - the rest of page six on the investigation report is about the closure of the fire station; this is clearly outside of his authority. Because it has nothing to do with Council action, it's not about Council and if you look in his report and this is important. Because with the report one of the questions that always comes to my mind when I see a report is 'is it credible', 'is it factual'? If it has some glaring mistakes if he makes big mistakes or a bunch of little mistakes, then how much can we rely on the report? The lawsuit he discusses in there was actually filed against the petitions made but in his report, he talks about it being filed against the PAC, but it was the petition committee. This is the same mistake that was made in 2014-2015 when they were filing it, they were taking the wrong people to court. The PAC is the one that made it an issue, the petition committee just got it on the ballot but he makes that same mistake. I think it's a glaring mistake, I think it's one of many fatal errors that are in this report. He talks about the lawsuit and about it being against the petition committee; it wasn't it was the PAC. So how can his report be considered reliable with such a glaring mistake? Another question that gets raised in my mind is why is the investigator didn't include the third member of the petition committee. He talked to all three and submits an exhibit that shows the affidavit for two of them, isn't that convenient? Why, because the third person he talked to actually didn't support the other two people's opinion. The other two people tried to act as if they were surprised to know that I was a union president, that I was a firefighter. That I kind of manipulated them into supporting this without them knowing that I was a firefighter in Brook Park and that I was involved in union activities, they didn't know that. Really, she knew it, she knew me for a shorter time than the other two. In fact, one of the ones actually came to some of the union parties that we had, she came to my retirement party at the union thing. So to sit there and say they didn't know that they were manipulated but he doesn't put anything about his discussion with her. Let's take a look at some of the things that she said because actually she said it's her opinion that based on Mr. Slattery's comments that he is unable to complete an unbiased investigation on this matter. He is very clear in his statements that he does not like the actions or personalities of Jim Astorino, Patti Astorino or Tom Troyer. Guess what Council, he wasn't being paid to like us, he was being paid to do a fact-finding. He doesn't like us get in line, I try to be liked; I think I'm likable most people do he doesn't. Some of the people in the audience they don't, okay. He openly stated that Tom Troyer's actions about the tax signs was unacceptable, that he believes Tom will continue his behavior in the future. He stated he felt personally attacked on Facebook by my wife. What the heck does that have to do with his investigation on

Remarks from the audience on any subject: cont.
Council? She's not on Council, during the fire station I wasn't on Council, yet, he's looking into all of this stuff. Her statement is that Mr. Slattery called me as part of the investigation she believes he has already made up his mind in this matter and she hopes the findings he presents to Council are actual facts and not simply his opinion. Well, guess what she was wrong, they're not actual facts and I keep going through this list and am showing you all the different facts that he didn't match-up with. A simple mistake, but one of many, in his report he refers to the Northeast Ohio Firefighters' Association and says in here I'm the President of the Northeast Ohio Firefighters' Association his report is dated September 15. I'm not the president anymore and everybody knew I was, I finished out my term in 2016 and let everyone know I was finishing out my term. I served 15 years as president of the organization, my term was going to be expiring in May of my first year and I let everyone know. When it was a matter that came before Council that dealt with firefighters or dealt with something. Guess what I did, I recused myself from the chair and sat in the audience to avoid any appearance of impropriety as that resident said. Somethings you do just because it has the appearance, I didn't think there were conflicts but, guess what, I'm just going to avoid it by stepping out and recusing myself. But, he writes down the Northeast Ohio Firefighters' Association and its inattention to details like that because it's the Northern Ohio Firefighters'. It's a legal document that will be presented and you filed something against the Northeast Ohio Firefighters' for me being president; I would look at you and say never happened I wasn't there. I wasn't President of the Northeast Ohio Firefighters'; I was President of the Northern Ohio Firefighters'. I was President of the Brook Park Firefighters' for 25 years and served here for 32 years. Some people that I've known for 20 years or more they don't know that I was doing that even though they were good friends of mine at the time; so, another inattention to detail, another mistake. There's a statement in here on page seven that talks about two people, two individuals, contacting an attorney without prior knowledge of the members of the SOS (Secure our Safety). Well, I'll share with you someday, not today, because I don't know where it's at in this pile of a mess I have here because I've got an email that was sent to one of the members of the committee, that is actually one of the exhibits - exhibit 15 in here of Mr. Slattery's report is the email. I got an email that says it was forwarded to this lady, so she had prior knowledge that this was going on. Yet, in the report, it says without prior knowledge of the members of the SOS, so either they're telling him wrong or he misunderstood but also there is proof of a glaring mistake here. They had prior knowledge so there is no reason for them to be upset that something like this happened. He makes an issue of Councilwoman McCormick communicating with the law director about getting reimbursement for SOS. The way he phrases it is the Councilwoman and Council President Astorino seek this. He's saying it's a conflict of interest other investigations need to be done. Why? I was cc'd on the email, I had nothing to do with the legislation, I didn't request the legislation but Councilwoman cc'd me on the email to the law director about it. He draws the conclusion that I'm asking for the money too, he's dead wrong on this one yet he puts it in his report. Just because I'm cc'd on an email doesn't mean I'm involved. Why was I cc'd on the email I told you earlier there was friction between the law director and the Councilwoman on getting legislation. So when she sent stuff to the law director she would carbon copy me on the emails so that I would see it. She was requesting legislation I believe the email that was in there on his exhibit either 16 or 17 talks about other pieces of legislation she hasn't been

Remarks from the audience on any subject: cont.

provided. So the Councilwoman would copy me on the emails just so I was aware as Council President that there were problems getting legislation from the law department. I believed it because I've experienced it and also believe it because I've seen two other Council people experience it. There is legislation that has been sitting over in the law department, requests for legislation sitting over there that has never been drafted; never been drafted for some of these people. When you ask about it, it's like a black hole the question goes in, nothing comes back out. Talk about obstruction, you don't have to as the law department you don't have to agree with the legislation that's requested you just draft it up and make sure it's approved to legal form and correctness. You don't sit there and say well, I don't think we should do that, that's not the law department's job is. It's the Councilman's job to put legislation forward and then maybe the majority of Council votes it down, maybe it becomes issue number six or legislation number six that gets defeated, okay, but it's our right to introduce legislation. It's not her right to hinder that but she does that and there are numerous times and that was explained to the investigator and he leaves that out of there. I'm curious on page seven where he says the fact that Jim Astorino was acting as the gatekeeper of a lawsuit has never divulged to other City Councilmembers; he says that City Council held numerous meetings in regards to the lawsuit, this is a clear conflict of interest. Whose best interest did I have an active role on both sides. I'm curious what meetings I attended that the lawsuit was discussed; I don't remember any of them. As I stated anytime there was anything with firefighters I recused myself, if it dealt with the fire station issue I recused myself. When it dealt with that reimbursement that's going to be done to the retirees, I recused myself, yet, in his report it says City Council held numerous meetings in regards to the lawsuit. I'd like to see his notes where he makes that statement; I'd like to be provided what meetings those were. Because to be honest with you, most of that lawsuit was going on during my time prior to on Council. It was when the previous law director was serving; he was the one who filed it. Again, if you read the interview...if you read the letter to the editor of the Hometown News that this lady wrote. Talking about her involvement in the investigation and you'll see why it was dismissed; I don't have it highlighted here and am not going to get into it. But, the question is he makes a statement that I have a clear conflict of interest and I would challenge him to provide me the dates of the meetings that I was in that we talked about the lawsuit. Or is just something that this is just another thing, another innuendo that he heard and just said oh, okay we'll throw that one in there too; let's pile on. The website I'm not going to talk about, that's been talked about way too much as it was. Page 8, fourth paragraph, for those watching there were nine pages so we're on the second last page. He talks about another account outside of the city account, he's dead wrong on that one too. He talks about the director of that company, he googled the company- the organization and says the director. Guess what, she's not a director, if you look at it she's not a director. There's a president, there's a vice-president, there's a board member and she's the public relations and government relations person; she's not a director. He says she's a director because it sounds more serious; we had a director doing this. Guess what, there was nothing tied to this city account. When the Councilwoman did the website stuff she did it on her own, she didn't ask for reimbursement. I asked for reimbursement of my expenses, she paid for it herself. There was no tying it in with the city account, there was no money being mingled with the city account; oh, another detail missed the by the investigator. But it sounds good doesn't it we're tied to an

Remarks from the audience on any subject: cont.

account, sounds very ominous but it's not accurate. It's done by a director and no, she's not a director she's somebody that's hired by the company to help represent them. The last paragraph on page 8 says Jim Astorino submitted a public records request for information, we talked about this the other day, and his report reflects that I made the request. Even though if you read the request and look at the exhibit I made the request on behalf of an anonymous person, that asked me to do it. Why was that person anonymous they didn't want to be subjected to any of the ridicule of the harassment that occurs; let's not sit there and nobody here can say it doesn't happen. You've seen people stand here at the podium and make comments then walk off to the side and somebody goes over there, gets in their face and starts arguing with them. For some reason if you don't say their opinion, if you don't share their opinion you're wrong and need to be threatened or need to be confronted. You can't just come up here and express your opinion. I'm going to express my opinion and there's going to be people confronting me and arguing with me, that's okay. Because I'm going to tell you what I think about this investigation and what I think are the facts. So to sit there and say that I submitted a public records request has a nice sound to it and, guess what, as we've heard up here before. We've heard people talk about walking door to door because it's an election year. Well, some of these things I'm expecting clearly, to see some of these inaccurate statements appear on people's literature saying why they shouldn't re-elect me; I'll put a dollar down there anybody want to match it that's fine. But I submitted a public records request about 25 citizens it doesn't say that I did it on behalf of somebody that it was my job to actually do that. If I didn't do that we'll go back to his earlier remark. If I didn't do that it would be very troubling and put the city in a dangerous situation. It would be very troubling and put the city in a dangerous situation, if I didn't pass on that records request; I passed it on. It ended up getting denied anyway, it isn't going to be provided. I don't know what that person is doing about it I told him. I gave him the response from the law department is we don't have to provide this, it's overly too broad, too general, too burdensome. So I turned it over to him and said okay, I did my job, what they do with it now it's up to them. If they come back to me with more...we talked about that earlier at another meeting. Okay, last page everybody be happy we're getting to the end. He talks about the website domain and being obstructed by Jim Astorino. Council has discussed this topic numerous times and the answers still remain unanswered. Obstructing, one Councilperson is going to obstruct seven voting members; one non-voting member is obstructing seven voting members, he's lost it.

Mr. Mencini - stop, audience I don't want to see gyrations and things out there. You don't have to be here. I'm not being mean or nothing but look it whether I like it or not he has the right to be up there. I'll give him a timeframe; he's going to wrap it up but you don't have to be here. End of story we have until 11:59 whether we like it or not that's what is written.

Mr. Astorino - they didn't seem to complain when there was a person up here a few meetings ago and went on for about 40-45 minutes about stuff that I did wrong; they sat very quietly and patiently. Now it's reversed on them and they're all antsy, they don't like to hear it.

Remarks from the audience on any subject: cont.
Mr. Mencini - Jim, you're at the end so finish up.

Mr. Astorino - I'm close to wrapping it up.

Mr. Mencini - thank you.

Mr. Astorino - because there's a couple of other glaring mistakes and I'll get through that. He refers to the Hometown News as a neighborhood gossip page, really, that's what we want our investigator to do is insult people. The bad part of it is he said it's owned by a convicted ex-Councilwoman; guess what, it's not owned by that. His report is September 15th it's not owned by her, you need to check your facts, he's wrong. Is this slander, is this libel? I don't know that's up to the law department or a lawyer to figure that out but it's inaccurate. It's not something that I want to pay for. If I hire somebody and they give me bad information I'm going to be looking and say what are we paying you for? I'm not paying you to give me bad information. Then he talks about he's never experienced any attempts at outside influence with the Facebook posting and this and that because he's feeling intimidated. He doesn't know if it's meant to intimidate him. I'll be honest, at the very beginning when we talked about it I didn't want to hire the guy. When you guys indicated you were going to hire a guy I brought forward another name saying they should both work together because the person I hired happened to work down at Cleveland State, was educated, worked within city government for a long time, understood the process and would probably be able to help him get through the process because he had no background in a legislative process. He doesn't know how government works. He was a police officer. He knows how to work as a government employee. But he complains about personnel files. I was opposed from the beginning because I made my background calls. I called people around and they didn't give favorable reviews so I didn't need to call to do an interview. I did my background prior to the interview. That's how I do it. Why would I waste my time talking to somebody who doesn't have good references? So I didn't do that, but you hired him anyway.

Mr. Mencini – Jim, it's 10:00 p.m. How much more we got to go here?

Mr. Astorino – I got about ten minutes at most, it's my right. So rather than as the as the investigation went on, and I wasn't really pleased with his behavior, I thought he was going outside his authority. He is going outside his authority because he's talking about actions I took when I wasn't on Council. He talks about actions my wife took when she wasn't on Council. He talking about actions of people that weren't on Council at all. Yet he does it anyway. So what did I do and he puts it in his report. He then discovers that Jim Astorino requested his personnel files from two separate law enforcement divisions that he worked for. I did. I did that in June. I put the request in. I put the request in to Brooklyn because that's where he worked as a police officer. I put the request into Cleveland Heights because that's where he started. And, I'll tell you what, I would recommend that the City of Brook Park contact Brooklyn because the records' request I made I got it the next day. It was a quick turnaround. But, guess what, it also supported my original decision that I didn't think he was good to be hired. And, I don't know if any of the four Councilmen, the three or four that talked with him

Remarks from the audience on any subject: cont.

asked him about his performance, but let me ask you this, I'm going to close up with these questions, this set of questions, because when I looked through his personnel file here's some of the phrases that I read. "The totality of your conduct clearly demonstrates incompetence." There is one letter that was titled Conduct Unbecoming an Officer. There is another one that says you must attend an anger management program. Another one says, "Has left the City questioning your mental fitness." And, he stated that there may be problems with his nerves, so he was required to provide a medical clearance indicating his medical fitness for duty. There was a statement in one of the reports that said, "leave your department issue duty record with the sergeant" and there is another part talking about not taking on debts you cannot pay in a timely manner. And, another one, one of the items talked about he had to turn in 320 hours of time as a former discipline. 320 hours, that's eight weeks of compensation for doing something wrong. That's what I read. Those are the words that I read in his personnel file. Those are the words. I'm curious, if anyone that talked to him, did he share any of that information with you on his credibility. The totality of your conduct clearly demonstrates incompetence. That's when he was a police officer. I would argue that the totality of his mistakes in this report clearly demonstrates his incompetence as an investigator. Thank you very much for your time.

Mr. Mencini: Anybody else want to come to the microphone?

Ms. Rosanne Neumann
289 Schaaf Dr.
In regards to the subpoena, I'm not exactly sure where we're at with that. I believe at the earlier caucus it was going to be on tonight's agenda or the next one, but I did ask...I reached out to Rich Scott, Rachel McDonnell, Carl Burgio, and I tried to get Rick Salvatore, but your answering machine wasn't working. I think that if we just get this it can put an end to everything and we can put the whole website issue behind us and get it shut down. Mr. Astorino, your presentation even raised more questions for me. I'm very disturbed to learned now that the State of Ohio Auditor's Office and the Ethics' Commission is looking into actions, I don't know if it's the whole Council or just one of you, but, I don't know, it's just, it seems like one thing in the investigation lead to another and then to another and, I don't know, maybe that's why the, I don't know. All this just seems to be spiraling out of control. But, I think, we as residents deserve answers. Mr. Astorino you've frequently said that the investigator's job was to investigate Council's, and I could be wrong, actions and, like I think before and after elected or something to that affect, you are part of Council as the Council President so, yes, looking into the SOS or the PAC or whatever, would allow him, in my opinion, to look into these things and things just keep, you know, seem to be snowballing. And, in the face of transparency, I encourage everybody to get, go forward with the subpoena. Just let's put an end to it. Transparency is so important and some similar words are clearness, clarity, openness, accountability, straightforwardness and candor. And, we as residents deserve nothing less than openness and transparency. As far as the Cuyahoga County Sherriff, no, he didn't pursue an investigation but he did in his, the report, it said in conclusion, "On January 5, 2016, Matthew Meyers of the Cuyahoga County Prosecutor's Office was consulted in regards to this case. It was determined that the issue was discovered and addressed before any loss or harm occurred, therefore,

Remarks from the audience on any subject: cont.
there were concerns with the handling of legislation within the office of the Brook Park City Council. It's not in the interest of the prosecutor's office to pursue criminal charges." So, it's not in their interest, but it's in the interest of our, us as residents. We deserve to know exactly what happened. It goes on to say, "clearly the City of Brook Park needs to resolve its internal issues in the best interest of the community and the citizens, however, this matter is concerned internal and it should be dealt with and handled accordingly." I just feel that everything that the investigator reported on, like I said, everything snowballed and I don't think he was out of line. And, I'm anxious to see the outcome of the report from the State Auditor and the Ethics' Commission. Because, like I said before, transparency is everything and the actions of our former Councilwoman kind of maybe put things in motion for us to be a little bit non trusting of other actions that have taken place and, again, as residents we deserve to know exactly what's happening and have a resolve to this and move forward. And, again, I encourage you to get the subpoena and let's move forward and get this rolling and over with. Thank you.

Mr. Mencini – Thank you.

Mr. Slattery - I'll make this very quick and to the point, in regards to the comments of Mr. Astorino.

Mr. Mencini – Can we have your name and address please.

Rob Slattery
4396 West 62nd Street
Number one with information regarding my personnel file, the 320 hours that was turned into the city was eventually recovered from the city; I was falsely accused of excessive force. It turned into a lawsuit against the city filed by myself and it went through the normal practice through Common Pleas and ended up through the Appellate Court winning and I recovered all of my time. Part of the discipline that they did hand down was attending anger management and the 320 hours of comp time, okay. They couldn't make me un-attend the classes I'd already attended from the original discipline; it came out that they were wrong and I was falsely accused. The individual that was assaulted was actually shown a photo of mine and he asked who I was. When one of the investigators stated this is the guy who assaulted you he said, no, he was there but that's not the guy that did it. But, it took about nine months to get to that point and by then the discipline was already dished out. If anybody would have asked that question I would have answered them; I've never tried to hide anything. Now with regards to the comment of turning my gun in and my nerves, I made a comment that I was stressed out my first day back after my wife had a stroke; yes, my nerves were rattled. The chief at that point in time was an individual that was named in the lawsuit; that didn't like me very much. He took that and decided to issue an order to take my gun away because I said that my nerves were fried and he thought that I wasn't fit for duty. That ended up being proven that he was wrong in what he did. I don't know anybody that would go through and see their spouse be brought in and I hate to bring up my personal information but to explain this I feel forced to. I don't know anybody that wouldn't feel rattled or stressed out if their spouse was going through something like that. I find it

Remarks from the audience on any subject: cont.

very hypocritical that he is saying I'm filtering things and putting different parts and little sections into the report when he just did the same exact thing. He's filtering things and he's, I'll give him credit, he's very good at dancing. He should be on Dancing with the Stars as far as I'm concerned because he dances around items. The biggest issue here is he, when he was president of that Firefighters' Association entered into an agreement to pay all legal fees and all costs for that lawsuit. Now he's saying well I was just cc'd on an email in attempt to release up to $25,000. That makes him involved in it and with the attempt to get the money from the city to cover those legal fees that the association he was involved with promised and enter into a contract to sign, that's the big problem. It's attempted misappropriation of city funds, that's the big issue here. Mr. Mencini – Anybody else come forward?

Ms. Liz Sayers
2306 Cedar Point Road
I just want to thank everybody for being so nice to me because I went into the emergency room and I just want to say, you know, it was pretty rude clapping about somebody else's misfortunes, so low professionalism, that's all I have to say. I just wanted to thank everybody and appreciate it and thanks for coming over and checking out the hood. About the dog park, you want a dog park, you want to see an actual dog park and what it's really like living around a dog park. Come to my neighborhood and sit with me in my front yard, it's hilarious. You can hear all types of dogs and then half the night you can hear them and most people don't clean up after their dogs. So if you really want the experience of a dog park come on over and sit in my front yard; you'll be amazed how funny it is to have a dog park and barking dogs.

Ms. Joan Markusic
13911 Bellbrook
All I have to say is that yet again, as I have repeated at just about every meeting, Facebook seems to be involved in so many horrible ugly issues in the City of Brook Park. I really hope that Council and the residents finally figure it out and stop using that to air their dirty laundry and all of their slamming; it does no good because no one is communicating. It is just amazing how often this comes up time after time and I don't know what it's going to take for these people who sit behind a computer screen and a keyboard to get it through their head. That they are being unproductive to get this city to stop fighting and causing all of these issues; it is hurting us that we have these issues coming up constantly; so please start talking. There is that thing where it's called one on one face time, not Facebook time.

Motion by Mr. Salvatore, supported by Mr. Burgio, to adjourn.
ROLL CALL: AYES: Salvatore, Burgio, Scott, Mencini, McDonnell, Powers.
NAYS: Troyer. Motion carried 6-1.

There being no further business to come before this meeting Council President Pro-Tem Mencini declared this meeting at 10:15 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED October 3, 2017

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

Rec'd 9-19-17
Council

Brook Park Council Meeting
Tuesday, September 19, 2017

- Tackle, Flag Football / Cheerleading in under way we are in week #3- come out and cheer on your favorite football player and or cheerleader and team!
- Co-ed Volleyball (ages 8-17) and Co-ed Dodgeball (ages 6-13) registration is the entire month of September, games start in October.
- Safety Fair- Saturday, 23rd from 11:00am-2:00pm (a lot of wonderful vendors and activities for the family to enjoy)
- Seniors had their annual potluck dinner this morning with 72 seniors and everyone bringing a dish… there was plenty of amazing food to go around.
- Randall Telfer and the Cleveland Browns had a "Back to School Backpack" Event this evening at the Recreation Center for 100 of our Titans Youth Football Players and Cheerleaders.

Maryann Fields, Recreation Director