

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON WEDNESDAY, NOVEMBER 7, 2018**

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

**SCOTT, BURGIO, ORCUTT, STEMM, MENCINI, POINDEXTER, SALVATORE**

Also in attendance were Mayor Gammella, Finance Director Cingle Service Director Gardner, Law Director Gardner, Recreation Director Elliott, Economic Development Commissioner Adams, Finance Director Cingle (7:15 p.m.).

**FINANCE COMMITTEE - CHAIRMAN, SCOTT:**

1. A RESOLUTION SUPPORTING POSTAL BANKING AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

Mr. Salvatore stated the amendments being proposed are as follows: The 8<sup>th</sup> Whereas insert the Postmaster General shall endorse postal banking after The word authority; insert a 9<sup>th</sup> Whereas to read 'the union shall have a seat at the table during the negotiations of establishing the return of postal banking with the understanding that the staffing levels will be established to handle the demand and all employees shall receive proper training' insert a Section 2 to read 'Providing Brook Park, Ohio, will receive high priority in the return of our post office' and renumber.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to approve the proposed amendments.

**ROLL CALL: AYES:** Poindexter, Mencini, Salvatore, Stemm, Orcutt, Burgio, Scott  
**NAYS:** None. The amendments carried.

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, to place on the next Council agenda of November 20th.

**ROLL CALL: AYES:** Salvatore, Poindexter, Mencini, Stemm, Orcutt, Burgio, Scott  
**NAYS:** None. The motion carried.

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**Miscellaneous:**

Mr. Orcutt asked the clerk if there has been contact with the city's IT person, Mr. Ellis, to appear before Council regarding Council emails.

The clerk responded an email was sent Wednesday morning, following the Council meeting, to date no response has been received.

**Miscellaneous: cont.**

Mr. Vecchio interjected I have heard from Mr. Ellis and spoke with you on the 18<sup>th</sup> that you spoke with Mr. Ellis, did you get resolution at that point?

Mr. Orcutt responded there was discussion of meeting in his office the very next day and an emergency occurred.

Mr. Vecchio continued that Mr. Ellis sent an email to me today and read into the record. During my conversation with one of the Councilmember's about the email system they expressed the following two concerns. One was that someone could potentially log into their email account and delete emails and the other that an unknown software can be used to pull an email out of their inbox. In regard to the first concern, knowing or somehow learning a user's password is the only way to access their email account. When accounts are created for new users' they are given a temporary password that for security purposes should be changed when logging into the first time. After that it is up to the user to keep that information safe and secure. Best practices include keeping personal devices password protected and logging out of all personal accounts when finished with a shared device. As far as the latter goes it just isn't possible to try and take back an email called recalling a message and has very strict limitations. Mr. Ellis provided an excerpt from an article straight from Microsoft explaining what it is with message recall. A message you sent is retrieved from the mailboxes of the recipients who haven't yet opened it. You can also substitute a replacement message, for example, if you forgot to include an attachment, you can try and retract the message and then send a message that has the attachment. Message recall is available until after you click 'send' and in bold type only if you and the recipient have Office 365 or Microsoft Exchange email account in the same organization. Meaning that the only way an email can be pulled from a user's inbox is of the sender of that email is part of our organization and on our mail server. It is not possible for someone outside our organization especially using a completely different email server to have recalled a message sent to one of our users. Mr. Ellis also provided another excerpt from the same article explaining what happens when you send a message to a user in the same organization and try and recall it. The action says you send a message to someone, recall the message and replace with a new one. The result is both the original message and recall message are received in the recipient's' inbox. Assuming the original message hasn't been read the original message is deleted and the recipient is informed that you the send deleted the message from his or her mailbox. Note, if the original message is marked 'as read' viewing in the reading pane isn't reading in this scenario. When the recall message is processed the recipient that you, the sender, wanted to delete the message, however, the message remains in the recipient's outlook folder. It's important to note that in this example and in every example given the sender is notified when a message is recalled. Meaning if the user did not receive one of those notifications then the message was not recalled. So, in essence,

**Miscellaneous: cont.**

what he's saying is unless this message was sent to you through Microsoft 365, which is a service that we have, if it was sent to you within the City of Brook Park's email system that would be the only way that an email can be taken back. If it was outside such as Gmail or anything else, it can't be done. There was nothing on the server that he was able to see.

Mr. Orcutt stated the conversation I had with Mr. Ellis did include some of those questions and you just got that answer today.

Mr. Vecchio concurred.

Mr. Orcutt continued I think I first asked for the security levels on October 9<sup>th</sup> and Mr. Ellis called me but never responded to me. One of the emails that disappeared was sent to me from another city email from you, Council President. It was from August 17<sup>th</sup> email that was sent to myself and Councilman Salvatore that said you requested an item amending the Charter and want this placed on the Caucus agenda for August 21, 2018 stating that this cannot take place until that action is defeated. Basically, Council had similar legislation in committee and couldn't put a piece of legislation on the agenda.

Mr. Vecchio commented correct, with the same...

Mr. Orcutt interjected as soon as I seen that email at 11:48 a.m. on Friday, I immediately called the law director leaving a message asking for a legal opinion. When I went back to the email it disappeared so it was sent from a city email. From what you're saying there is something that could have happened and that's when I reached out to the Council Clerk asking her to resend them because she was included and did. I asked her how that could happen and she didn't know either; I thought maybe there was a possible glitch. Then it happened again on September 19<sup>th</sup> with an email from a constituent but concerning because of the subject matter asking for simple information regarding the August 30<sup>th</sup> Special Meeting being called by Council from the floor with a vote of 7-0, after gathering that information when going back to scan and send the email disappeared.

Mr. Vecchio asked Mr. Orcutt are you viewing emails on the Microsoft 365 going in or off your phone?

Mr. Orcutt responded both.

Mr. Vecchio asked are you using another server i.e. Yahoo or something else to access? Because what I see with this that's a possibility that one of the outside one but don't have an answer.

**Miscellaneous: cont.**

Mr. Orcutt stated that second email, I have everything going to a separate email now, but didn't do that until it was those two and quite alarming considering the subject matter with me trying to put a piece of legislation on that agenda. At the last meeting I stated that if we're losing emails sent from constituents concerns that could be devastating for that Councilmember, meaning he's not doing his job or taking care of the needs of the residents. Mr. Orcutt thanked Mr. Stemm for the advice given and Councilman Mencini for showing an interest. Mr. Orcutt asked for the email to Mr. Vecchio from Mr. Ellis and stated he would like to sit down with Mr. Ellis.

Mr. Vecchio stated when it was brought to Council's attention on October 2<sup>nd</sup> I sent an email on October 3<sup>rd</sup> Mr. Ellis at 7:23 a.m. He responded to me on October 10<sup>th</sup> at 3:46 p.m. by saying I've been looking at Mr. Orcutt's email issues and unable to find anything out of the ordinary and nobody else but him has access to his email; didn't see any out of the unusual activity. It looks like he's constantly been using it over the last several weeks, as I can see, that he's been sending emails every few days or so. One thing that stood out is that he seems to be forwarding these emails to a personal Yahoo address so maybe he was looking at the wrong inbox when trying to find that missing email. I connected to the exchange server by a PowerShell trying to pull additional reports, that's how I found out about the forwarding and accidentally reset his password and I sent that to you to reset your password, at that point. You forwarded that email 351 to yourself and then when mentioned on the 16<sup>th</sup> I sent an email on the 17<sup>th</sup> asking the clerk to reach out to Zach for his availability of attending a meeting and I have sent three emails since then to have resolution to see if he's spoke to you. In trying to get him for a meeting to sit down with you if you would send an email to Mr. Ellis and copy myself and the clerk to request, set up and confirm.

Mr. Orcutt responded I'll do that because I want to sit down with him because there are some things, besides things mentioned, for discussions. Mr. Ellis wanted to sit down with me, in person, because there are some things that he wanted to discuss with me, personally.

Mr. Salvatore expressed disappointment that Mr. Ellis didn't show up because Council did ask him to appear to try and resolve these issues. The one thing that is important is not to delay this point if there is a problem take it head-on and fix it, if there's no problem then drop this matter. To Mr. Orcutt is there something else missing or is this just an isolated case?

Mr. Orcutt responded no, it's just that one email from August 17<sup>th</sup> from Council President Vecchio regarding legislation on Charter Article IV, Section 4.01 being placed on the August 21<sup>st</sup> Caucus agenda and that this cannot take place because

**Miscellaneous: cont.**

the similar piece of legislation in committee, since May, 2015, need to be defeated has taken place. After leaving a message for the law director turning back to view the email it disappeared. Mr. Orcutt commented that it is not common practice whether at my full-time job or full-time Council job to delete emails, I have them in folders.

Mr. Salvatore asked to be kept updated because not too long ago his personal Yahoo account was hacked that not only affected him but other people being communicated with.

Mr. Scott reiterated that at the October 16<sup>th</sup> meeting there was a motion by Mr. Salvatore, supported by Mr. Orcutt, to have the city's IT representative at the November 13<sup>th</sup> Caucus meeting.

Mr. Vecchio clarified that is still a possibility to reach out to Mr. Ellis for the November 13<sup>th</sup> meeting unless he can meet with Mr. Orcutt to resolve ahead of time.

Mr. Orcutt suggested that his colleagues set up their emails to go to a personal account.

Mr. Salvatore stated his point is that instead of a letter being read he would rather have Mr. Ellis appear at a meeting.

Mr. Vecchio commented the reason for the letter is that I've been pushing Mr. Ellis for an answer because I requested an outline of what Mr. Orcutt had asked for since October 3<sup>rd</sup> and finally received some answer that I was looking for. The additional is to have him appear at a meeting or meet with Mr. Orcutt and if resolved we wouldn't need to go any further.

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

**ROLL CALL: AYES:** Mencini, Salvatore, Poindexter, Stemm, Orcutt, Burgio, Scott  
**NAYS:** None. The motion carried.

Mr. Vecchio declared this meeting adjourned at 7:23 p.m.

RESPECTFULLY SUBMITTED   
Michelle Blazak  
Clerk of Council

APPROVED 

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

2,160 words