

**SPECIAL COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON FRIDAY, MAY 29, 2020**

The meeting was called to order by Council President Vecchio at 4:00 p.m., who read the meeting notice. The clerk called the roll and the following Members of Council answered:

SCOTT, SCHMUCK, ORCUTT, TROYER, MENCINI

Also in attendance were Mayor Gammella, Law Director Horvath and Finance Director Cingle. Councilman Poindexter excused. Councilman Salvatore (7:15 p.m.).

REMARKS FROM THE AUDIENCE ON SUBJECT MATTER ON THIS AGENDA ONLY:

None came forward.

Mr. Vecchio moved to letter M.

Mr. Troyer - Point of Order.

Mr. Vecchio - Mr. Troyer, your point.

Mr. Troyer - I supplied a letter to be read tonight.

Mr. Vecchio stated Mr. Troyer, that cannot be added to the agenda so if you would like to read it yourself and speak about it.

Mr. Troyer stated again, I supplied a letter to be read tonight as audience participation, it should be read. The residents deserve it to be heard.

Mr. Vecchio asked Mr. Troyer did you supply it as audience participation because I did not see it.

Mr. Troyer responded yes, to the clerk.

Mr. Vecchio asked Ms. Blazak do you have a copy of the letter?

Ms. Blazak responded I do have it but don't see where it says audience participation; the subject matter states 'To be read at today's special Council meeting'.

Mr. Vecchio stated to Mr. Troyer, I do not see your request for reading under audience participation.

Point of Order: cont.

Mr. Troyer responded then I'll make that request now. When did you think it was going to be read tonight?

Mr. Vecchio commented considering the fact that it's not laid out as such and just now looking at it; your question is valid but I don't even have the answer.

Mr. Mencini commented although it personally wouldn't be me that does it that way but he is a resident. If he wants to read his letter he can read his letter while waiting for Mr. Salvatore; there is remarks from the audience, he can read his letter.

Mr. Vecchio polled Council for letter to be read: Mr. Orcutt - absolutely, Mr. Scott - yes, Mrs. Schmuck - yes, Mr. Mencini - yes, Mr. Troyer - yes.

Ms. Blazak read the letter as requested into the record. (attached to these minutes).

Mr. Vecchio asked Council does anyone have anything to say?

Mr. Orcutt responded I was wondering if you could rebuttal that letter and answer how it did end up on for first reading.

Mr. Vecchio clarified how what ended up on first reading?

Mr. Orcutt continued these two pieces of legislation.

Mr. Vecchio stated the Mayor's office contacted the clerk and asked that legislation be placed on first reading for tonight's special Council agenda.

Mr. Orcutt asked if that is our normal operation?

Mr. Vecchio responded normal operation in this case the Mayor has the right to by Charter to call for a meeting. Normally, what would happen is it would be submitted in writing and/or called (phone). The clerk under her instruction is to follow what is asked by who is calling the meeting. In this case, the Mayor's office called the meeting and asked for new legislation be placed under letter M for first reading.

Mr. Orcutt commented I've only been on Council for two years and five months and don't remember ever doing it that way; thought we would have discussion and move properly where it needed to go, wanted to put that in and let my colleagues speak on it.

Point of Order: cont.

Mr. Vecchio asked Mr. Mencini, can I let the law director go first.

Mr. Mencini concurred.

Mr. Troyer - Point of order.

Mr. Vecchio - Mr. Troyer, what is your point, sir?

Mr. Troyer stated the Council shall always go before the law director; the law director should only have a legal opinion. When Council has had their say and the when the law director is asked for a legal opinion.

Mr. Vecchio asked Mr. Mencini you want to go before the law director or after?

Mr. Mencini responded I've already stated I would be fine with the law director speaking, have no problem with that. An opinion is an opinion and will give my take really quick. As Councilman Orcutt stated I don't actually remember coming across this way before either. I remember when we did the project for the recreation center there was some questions on how an agenda was put on. Maybe a different way but it was done the correct way as there were special meetings also but was brought forward by Council, maybe not by the majority of Council. What I'm looking at is there are two pieces of legislation for an executive session. On Councilman Troyer's letter he said the body; our names aren't attached bringing this forward, this is brought forward by the Mayor. Maybe before going to the law director I might want to hear what the Mayor has to say on beforehand since he knows the proper Council procedures, just wanted to state that.

Mayor Gammella stated the Mayor's comments is this, I've been Council President 20-years and it's been done like this in the past and there is absolutely nothing wrong with it. I would like the law director to speak if Council doesn't mind.

Mr. Vecchio asked Council anyone else? No one came forward.

Mrs. Horvath stated I certainly don't mean to cut anyone's thoughts off; I'm just trying to make a procedural issue a little bit easier. I did receive a copy of Mr. Troyer's email between 2:30 p.m. or 3:00 p.m. today. Stopped what I was doing and pulled some materials from the Council's website and prior opinions that I had written. I emailed them to everyone and hopefully everybody had a chance to look at them. I've written two opinions that basically say the Charter says the Mayor can call a special meeting and the Charter also says the Mayor can introduce legislation; there is nothing that says he has to follow Council rules. We have done this in the past, in my tenure it's been done several times in 2016, both of the

Point of Order: cont.

memos sent to everyone are dated May and June, 2016. I also went through some of the previous agendas listed on the Council (page) website and pulled a December 22, 2014 agenda, which looks very much like today's agenda. Where three Councilmembers called a special meeting and the only item listed on the agenda is item B, D, M, N and P. (Letter) M is clearly there and there is no (letter) J with the intention of introducing something for first reading. I also provided an agenda for a meeting of May 3, 2016 that looks the same, just the letter M. There were three special meetings in that series, oddly enough, coincidentally the topic for those meetings were to approve contracts with the FOP, the OPBA, Foremens and Laborers' Union and Local 436; so it's a mere image of what the Mayor is doing today. I also provided an agenda dated August 3, 2016, again, shows A, B, E, L, M and no J on that agenda. I think, quite frankly, it was always done this way and only became into question in 2016. See no reason why the Mayor can't call for a special meeting, see no reason why the Mayor can't introduce a piece of legislation for first reading. Whether it goes to second or third reading is up to Council but certainly the Mayor has a right to do that. Think we have so many important issues to do in the city and find it very sad that we are constantly drawn back to the procedural issues, the same arguments about rules, the same arguments can this be done or not; when there are many substantive items to talk about. I don't see anything improper with the way this was called and think it fits with the Charter and think, again, the Mayor isn't bound, at all, by Council rules and the Charter would trump any rules any way. I hate to see a Council that wants to work together to accomplish things and held back by rules with they have the ability to change. Council has the ability to move legislation around as you see fit by the same token the Mayor has the ability to introduced legislation at Council meetings; call special meetings. Any questions please call me I could probably go back to prior agendas and find similar examples but only had about 45 minutes to be done today. Thank you for allowing me to speak.

Mr. Mencini stated what I stated when I said I haven't seen it that way, I haven't seen it the way it's presented now today. Probably more importantly I guess on a Friday at 4:00 p.m. as Law Director Horvath stated, not meant towards any one, when there are so many issues in this city currently and so many things to cover. My comments before is it's all about the mannerism and have never seen brought out this before, have seen special meetings and executive sessions. There are a lot of important items and shouldn't be having four-hour meetings over maybe one or two subject matters. We have a lot to do and have to get to working hard and to sit and fight, disagree and argue about t's not being crossed or I's not being dotted so it has to be redone.

Mr. Orcutt thanked Law Director Horvath for her opinion and apologize for not having a chance to read the (materials), due to work. If something isn't right, I do have to ask if this is normal and hope it's not taken personal. I also want to make

Point of Order: cont.

sure that things are being done correctly and think maybe the subject matter and dates mentioned in Mr. Troyer's letter is probably what is a little alarming to all of us, or should be.

Mr. Troyer thanked Councilmembers and Law Director Horvath. I would like to point out some of the examples the law director provided. Looking at the December 23, 2014 special meeting of Council under M - Introduction of Ordinances and Resolutions; with Councilmembers calling the meeting. Under M read Ordinance No. 9950-2014 meaning the legislation appeared on a Caucus agenda or Council agenda, to receive an ordinance number. It was not a brand new piece of legislation placed on first reading by a non-Councilmember. Again, anything that goes to M - First Reading must be placed by a majority vote of Council, can't get around that. All the other examples provided have Introduction of Ordinances and Resolutions - First Reading, see attached sheet. On these particular ones has the synopsis with no ordinance numbers and no pieces of legislation actually attached; to tell whether or not they had ordinance numbers on them. There is one that has an ordinance number and placed by Council but the other documents provided are bad examples because there are no copies of the actual ordinances whether they had legislation numbers on them. The fact of the matter is nothing can be added to a special Council agenda. Since there is no (letter) J for introduction nothing can be introduced and the Mayor or Law Director or Council President cannot take new pieces of legislation and place under first reading, Council has to do that by majority vote. Otherwise, why are we here, Council has to move (legislation) through the process and must respect the process. As far as, all the nonsense of 4:00 p.m. on Friday Council has to do this right and I won't shred the Charter, Constitution, State Laws or rules just because somebody else has a problem with not doing things right. Or there is a virus or whatever excuse there is, I'm not going to allow the Charter and Council rules to be shredded. I took an oath to stand up to the Charter and will leave it at that, this is improper and this meeting should be immediately adjourned.

Mayor Gammella weighed in by stating I take exception that anyone is doing anything improper that we're shredding the Charter or violating the law. You can brow-beat other people as you like Councilman, you're not going to brow-beat me on this or anyone else. You are dead wrong, there is nothing illegal about this and to say that we're doing something illegal, to me, is absolutely appalling. I'd like to proceed with the meeting and get business done.

Mr. Troyer **moved** to adjourn the meeting.

Mr. Vecchio reiterated there is a **motion** to adjourn. Motion dies for a lack of second.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

Mr. Vecchio read both legislation titles into the record.

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (CITY OF BROOK PARK POLICE SERGANTS AND LIEUTENANTS) AND MEMORANDUM OF AGREEMENT DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15 (PATROL OFFICERS) AND MEMORANDUM OF AGREEMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Vecchio assigned both pieces of legislation to the Finance committee.

Mr. Troyer reiterated I object to that because these are not properly introduced and also wouldn't that be safety?

Mr. Vecchio responded because they deal with money, they will be in finance committee.

Motion by Mr. Mencini...

Mayor Gammella interjected Council, you're not going to act on this? This is precisely what was talked about: Zero (\$0.00) percent pay increases for the rest of the year. This is exactly what you wanted and you're not going to take action on it?

Mr. Orcutt asked Mayor Gammella when did we have that discussion?

Mayor Gammella responded don't have the dates in front of me, but we've had discussions in executive sessions many times. Let me ask you this, are you saying you knew nothing about this?

Mr. Orcutt - not at all.

Mayor Gammella - pay increases for the unions, you didn't.

Mr. Orcutt - no, I'm...

Hard to decipher conversation between Mayor Gammella and Mr. Orcutt talking over each other.

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

Mayor Gammella - that's a dereliction of duty, can't believe you didn't know anything about this.

Mr. Vecchio - Mayor, gentlemen we can't speak over each other.

Mayor Gammella - with all the meetings we've had and conversations.

Mr. Orcutt - we're not saying.

Mr. Salvatore - Point of Order.

Mr. Vecchio - Mr. Salvatore, your point.

Mr. Salvatore - if you would please take charge of this meeting, one person at a time.

Mr. Vecchio - thank you, gentlemen, one at a time. Mayor, please mute your phone until Councilman Orcutt is done, Councilman Orcutt will then mute his so you can speak.

Mr. Orcutt continued Mayor, what I want to get to is the fact that we recently just spoke about that. But, these actually came up, these contracts that you actually agreed to were (dated) April 30th and May 7th. So to say, that I didn't know, of course, I did know. I pay very close attention to the finances and, in fact, I'm going to make a very clear point to you. If we were a corporation and we operate the way that you operated with these negotiations. And, you didn't sit down with the finance director to see if we had the money we would go bankrupt as a community. The reason why I'm asking you dates is because we talked about this well, after the fact, that you actually came into an agreement with those unions. That's all I have.

Mayor Gammella stated what you're saying is your previous statement was inaccurate, you did know. Thank you.

Mr. Orcutt stated Mayor, I never ever said that I didn't know about that. You're making up and putting words in my mouth. What I said was when did we discuss this because, you know what, I'm trying to show the fact that you actually went and made an agreement with unions. As we know and didn't have a conversation with the finance director, another elected official, or Council and I want that to be known.

Mayor Gammella interjected that's a very inaccurate, Councilman.

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

Conversation hard to decipher what Mr. Orcutt is saying due to speaking over one another.

Mayor Gammella stated I'm going to leave it at that, won't go back and forth with you. What you're saying is totally wrong, you need to get up to speed of what is going on.

Mr. Orcutt responded I'm up to speed and, you know, what I'm up to speed with the fact that you are running this city without doing the proper procedures. If we were to do it the way that you did these last two months and continue to go on like that for the next couple of years; we would bankrupt this community.

Mr. Salvatore stated obviously I didn't hear any of the debate going on prior to the first 15 minutes of the meeting but will add this. These contracts, agreements of understanding for having no raise (increase) for this year was previously agreed upon prior to tonight and prior to the last executive session. Where there was a debate over Council setting parameters on how to move forward. At no time, did we ever agree or establish a set of parameters that would establish a one-year deal. That was the original thought process but it was discussed that it was going for a longer period of time than that; with a zero (\$0.00) increase and open for the second or third year. That is not what we're talking about tonight, we're talking about last minute to approve an agreement that's been previously agreed upon between the administration and this particular bargaining unit. If Council does nothing and today's the deadline, from what I understand, if Council does nothing it goes into effect anyway. To Mrs. Horvath, if I'm wrong please feel free to jump in when I'm finished. If we vote on something that in some people's mind is improper, if voted on and it's improper, our vote doesn't matter and still goes into effect anyway. Today, Council can go one way or the another this agreement has to be settled by a vote or not vote. The outcome will be the same with a one-year deal and discuss re-opening sometime during the month of November for next year. My only disappointment is the fact that it's been agreed upon without Council's knowledge, that's number one. Number two is Council doesn't have the rest of the union (agreements) at the same time so everyone gets the same thing. The worse thing that can happen is this particular bargaining unit settles for a no pay (increase) this year and somebody comes along behind and gets an increase. Where is the Me-Too clause, is there one? Are we protecting these people's integrity for their pay? Will they get a pay automatically if somebody else gets it? The questions I have are very important and hope after this meeting takes place will get me the answers to those questions. I don't want somebody agreeing to a no pay increase and you (Mayor) negotiates another deal giving a raise and the people out front understanding the ramification of the Coronavirus and willing to do our part, then the next team comes in and says we're not willing to do it; the first people to the plate to help are the ones that will lose out. We need to work

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

together and do things the right way for the betterment of everyone. That's all I have and hopefully the law director can give her opinion if vote or not vote.

Mayor Gammella to Mr. Salvatore you're quite right, the agreement will go into effect irregardless. The other unions have agreed in principle to have a zero (\$0.00) percent pay increase; those will be coming forward. Secondly, we're still negotiating with the fire (union) but we've talked about this and I have my direction and no one, in this city, is going to get a pay increase; think the unions understand that and thought Council understood that and thought we made that clear. That's where we are at, thank you.

Mr. Salvatore continued I don't know why I didn't hear everything the Mayor just said, I went down again.

Mr. Vecchio stated basically the Mayor agrees what your statement was is that if Council does nothing they (agreements) go into effect. If Council does something they go into effect.

Mrs. Horvath stated I believe, Councilman Salvatore and Mayor Gammella assessment is correct; if voted on it goes into effect, if nothing is done it also goes into effect.

Mr. Scott stated looking at these agreements, my only concern is we have a labor attorney signing off on one of the agreements. When did we allow that? When did that start happening of Mr. Budzik's signature on the Ohio Patrolmen's Benevolent Association for Sergeants and Lieutenants representing the City of Brook Park. I didn't know our labor attorney had the ability to do that and wondering why that's on there like that; does that make that agreement binding?

Mayor Gammella responded because I told him (Mr. Budzik) to sign it, because I agreed. I thought that was exactly what Council was looking for the zero (\$0.00) percent increases and applaud both of these unions for working with the city. That's why under my instruction.

Mr. Scott continued I applaud the unions too but my question was I've never seen our labor attorney sign off on contracts.

Mrs. Horvath commented to my knowledge I do not believe that Mr. Budzik has the ability to sign-off on labor agreements. He may have done so, in the past, with other cities that have a different setup than ours. Maybe a different Charter or operate differently than the way Brook Park does. Don't believe Mr. Budzik has the ability to sign off on a contract and would analogize it to my position and what I do. I certainly do not have the ability to sign a contract and bind the city. I have the

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

ability to review the contract and agree that it's proper informing content but my signature cannot bind the city. Under the Charter the only person who is allowed to sign and effectuate a contract for the city is the Mayor and am unaware of any ability to delegate that. I don't know if that was done under a misunderstanding or how the situation came about and learned this week, Wednesday, that Mr. Budzik had signed and the reason why I provided both copies to Council of the OPBA paperwork. At this point in time, I would consider his signature as anility and don't think he has the ability to bind the city and think the fact that Mr. Budzik signed it, in that fashion, really is meaningless as far as the binding the city to the contract.

Mr. Scott continued to Mrs. Horvath, isn't Mr. Budzik supposed to work as co-counsel with you, he was hired as an employee, correct?

Mrs. Horvath responded Mr. Budzik was hired as co-counsel by an ordinance that provides the additional attorneys can be hired to assist the law director; in performing some duties. The city has always labor counsel to assist the city in this matter, definitely he is co-counsel.

Mr. Scott continued to Mrs. Horvath, you learned about these agreements on Wednesday?

Mrs. Horvath responded I saw copies of them, I believe, Wednesday and he did not indicate to me that he would be signing anything. I had some knowledge that there were ongoing negotiations but the first time I saw these documents was Wednesday.

Mr. Scott commented my opinion on this attorney has not changed.

Mayor Gammella commented Mr. Budzik signed on my direction, leave it there.

Mr. Mencini stated that was the reason for the motion to adjourn because this goes into effect anyway, as Mr. Salvatore stated. This is a perfect example of why we have four or five meetings, why we meet on Friday at 4:00 p.m., contrary to what Mr. Troyer is saying. In some ways, I think, we're a lot better than giving one-word answers and yelling across the floor Point of Order. As I stated before I think we have to be more professional, more importantly, we have a lot of things ahead of us i.e. flooding, speeding, Brook Park Memorial (BPM) and looking at layoffs. From what I understand City Hall doesn't have staff meetings and want to say that the communication could be a lot better. When I have to find out from the outside, a lot of times, that is not good. I'm not mad at anyone, not telling anyone what they probably don't know but the communication could be a lot better.

Mayor Gammella stated to Mr. Mencini, we have had staff meetings every

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

Wednesday at 10:00 a.m.; the issue is with COVID-19 we can't have them. Just like Council hasn't had their Council meetings. I can't have ten people sitting in the conference room so there is people coming out of my office, one at a time. We've always had staff meetings up until the COVID-19 issue.

Mr. Vecchio stated Council is still having Council meetings via ZOOM which is this case.

Mayor Gammella interjected I mean in the chamber and that's why we haven't had staff meetings I can't have ten people in the conference room, which is smaller than the Council Chambers.

Mr. Orcutt agreed with Mr. Mencini about the communication and the point I wanted to make. Is that through the questioning of Councilman Scott about James Budzik being able to sign. Mayor your rebuttal is that you gave him permission because that's what you were directed by Council to do. To my earlier point...

Conversation hard to understand with talking over one another.

Mayor Gammella interjected no, I gave him permission for negotiations of contracts for the city, you either approve them or disapprove them. You don't negotiate them, Councilman.

Mr. Mencini stated perfect example of what I just talked about.

Mr. Vecchio asked Mr. Orcutt to continue.

Mr. Orcutt continued to Mayor Gammella your rebuttal to Councilman Scott was that by direction of City Council you had James Budzik sign for those contracts. The contract in front of me right here with his signature is dated April 30th; we didn't have a conversation until last week. Just wanted to point that out and reiterate this Councilman Mencini was right we have things to work on that are more important than going back and forth. If we're not all honest and on the same page than that's not going to happen. Quite frankly Mayor, I don't want to call you out on the floor when it comes to this but when it comes to the finances for the residents and their tax dollars I am a sentry for those tax dollars and have to do my job.

Mr. Troyer stated just want to say one thing, if you know proper procedure and Robert's Rules (of Order) sometimes yelling, not really yelling, but the way the phone comes across in this system we're forced to use currently. Calling a Point of Order, Point of Clarification, Point of Information; calling a point of anything is proper procedure. It's better than some people just blurting things out so when I

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

feel the need to call a Point of Anything I do so. There were a few issues, tonight, where I felt I need to do that. Also would like to thank the unions because everything was looking good for the unions and feel bad for them. Because they were finally going to get paid and then the virus hit so I do feel bad for them and commend them on coming to this agreement.

Mr. Scott agreed with Mr. Mencini and know these contracts would go through with no action from Council. Didn't want to adjourn because of a few questions I needed to get out there and one main concern is a contract signed by our labor attorney and needed an answer. Applaud the unions because talking to a few rank and file they understand what is going on and are willing to work with the city. I think we need clarification on these contracts and want to know why Mr. Budzik signed.

Mr. Mencini thanked Councilman Orcutt, Troyer and Scott, I couldn't have said anything better.

Mr. Salvatore commented as far as signing an agreement only the Chief Executive Officer (CEO) can sign the agreement. The only other person that could sign in his absence (Mayor) is the President of City Council; who assumes the role as Mayor in the absence of the Mayor. Those are the only two signatures that are binding for any type of contract; for any kind of contract not just union negotiations. I, too, want to commend the unions for stepping up and understanding what the city is up against and willing to go with the zero (\$0.00) percent increase and renegotiate next year. As far as this meeting has been called and all the other things going on during this meeting I really believe that communication must improve; we have to improve. The administration must start communicating with all of Council and it shouldn't take a week and a half to see the Mayor when there are pressing issues, not just this but other issues. Can't keep hiding behind the Coronavirus that is here and we have to live with and must continue to operate the city and move forward. There are flooding issues that are devastating to some people that has been going on for years, since I was a little boy living in this town. The flooding is nothing new but it's time to solve the problem. I thought we were at a point of being on the right track and things were going smoothly with the putting in of underground tanks to the tune of approximately \$15 to \$20 million-dollars. It's time to start looking at other ways because development hasn't stopped in our neighboring communities which brings in more water coming into the Brook Park system, that can't handle it and we're back at square one. The other cities are going to have to provide Brook Park with more retention for any development; there's not enough retention and they're not holding the water back long enough. This is the kind of meeting that should be called for flooding and these union negotiations and who is allowed to sign the contract? Is this the right procedure? We have tackled so many different procedures that no one knows what the proper

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

procedure is anymore because we're operating under two or three scenarios. Council should take a good, hard look at the Council rules and what is not understood should be fixed. That should be during summer session when there is nothing else in the way. So we can get back to square one, start working together and move this city forward, nothing good is going to come out of what is happening currently. Mr. Salvatore asked for the reason for Executive Session?

Mayor Gammella responded I just called for a special Council meeting.

Mr. Salvatore asked you didn't call for an executive session?

Mayor Gammella commented I think if there any questions on the contract we would go into executive session for discussion. I agree with Mr. Salvatore, communication is a two-way street and would be happy to communicate with Council to get on track.

Mr. Salvatore asked Mr. Vecchio now that there is a better understanding of what the executive session was and supposed to be on this agenda. Some members are saying it wasn't put on properly is a vote required to go into executive session and vote no or just ignore it.

Mr. Vecchio responded to do it properly, I would prefer a vote to not go into executive session.

Mayor Gammella concurred.

Mr. Orcutt asked if there is a **motion** on the floor.

Mr. Vecchio responded no, not at this moment.

Mr. Troyer moved to adjourn.

Mr. Vecchio asked Mr. Troyer to allow him two minutes and this reiterates what everyone has said. Sitting here listening to everyone I've been looking and to Mayor Gammella. The members of Council are correct in this case and by Charter section 3.03 under Duties and Powers (Mayor) paragraph four reads. Unless otherwise provided by this Charter the Mayor shall execute on behalf of the city all contracts, conveyances, evidences of indebtedness and all other instruments to which the city is a party. In turn, it does not say that you can pass that over and I personally seeing that Mr. Budzik entered into an agreement by signing his name. I find that to be somewhat derelict considering the fact that he's hired as co-counsel.

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

Mayor Gammella interjected he did it under my direction, Mr. Chairman.

Mr. Vecchio continued as co-counsel, meaning he has to advise our elected law director, and signed in agreement. Which in no way Mr. Budzik can sign an agreement when the Mayor is the only one that can enter into a contract for anything. Clearly, that is derelict in his duties because Mr. Budzik's job is also to report to our elected law director, which he did not do. In my opinion, looking at this being derelict in his duties and having zero (0) communication with our law director. I think Mr. Budzik needs to be removed and replaced immediately, Council has that ability. Because Council by vote placed him in that position and the way everything has gone so far. I, personally, at looking at this am not happy that on April 30th Mr. Budzik signed a contract. Then, in turn, Mayor Gammella's signature is on the other contract. I can't fault you but I can fault a labor attorney signing an agreement that has probably never happened in this city, of a labor attorney has signed a contract in negotiations.

Mayor Gammella reiterated Mr. Budzik did it under my direction and I think he does a good job.

Mr. Scott asked if we'll be voting on the executive session.

Mr. Troyer - Point of clarification?

Mr. Vecchio - Mr. Troyer.

Mr. Troyer stated it's not properly marked on the agenda for voting on.

Mr. Vecchio responded it's still marked...

Mr. Troyer interjected at the top, it's not on the agenda.

Mr. Vecchio reiterated it is marked, with three x's next to it and to err on the side of caution. To take a vote to not go into executive session or entertain the executive session is the proper way to do it.

Mr. Salvatore commented I think either way would be correct, you can't make a mistake by voting it down or recognizing it.

Mrs. Horvath stated I agree with Mr. Salvatore either way would be appropriate. My question is what, if anything, is Council going to do with the two pieces of legislation under letter M.

Mr. Vecchio stated something formerly has been done, both pieces of legislation

Introduction of Ordinances and Resolution: (First Reading): cont.
have been assigned to the finance committee.

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

ROLL CALL: AYES: Salvatore, Troyer, Mencini, Scott, Schmuck, Orcutt

NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 4:57 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



