

Poland Village Council
REGULAR SESSION
Tuesday, October 18, 2022

308 South Main Street
Poland, Ohio 44514-2082
(330) 757-2112
www.polandvillage.org

The Council of the Village of Poland Ohio met in REGULAR SESSION at the Poland Village Town Hall, 308 South Main Street, Poland, Ohio 44514-2082 on Tuesday, October 18, 2022.

Caucus meeting called to order at 7:00 p.m.

Mr. Sicafuse calls the caucus to order.

Fiscal officer Canter discusses the additional funds needed to pay the eminent domain attorneys, Isaac Wiles in the amount of \$1,500, and would like Council to approve this later in meeting.

Mr. Canter also discusses the need to advance \$2,254.25 to the ODNR Forest grant fund. The Village has received a grant for \$100,000, but this grant is a reimbursable grant. Expenditures are now needed to be paid out of this fund and this amount needs to be advanced.

Mr. Canter discusses the need for the amended certificate of resources due to the signal lighting project not beginning until next year. Revenue had to be reduced in this fund. Amended appropriations are also needed due to some line items running low on funds. September bank reconciliation and last meeting minutes dated 10-4-22 are finished and being passed around by council to sign and approve.

Mr. Clavin discusses his zoning and streets department report. Please see the attached zoning and street departments reports. Please do not park or walk close to the leaf piles so the leaf truck has room to pick them up.

Chief of Police-- nothing to report

Solicitor informs council that he has both deeds associated with the signal project eminent domain, he will take them down to county and record them. He will advance the transfer costs and be reimbursed by the Village.

Windemere residents are here to voice their concerns:

John Aey-- Very upset about the 2,000 square foot pole barn that was put up and is being allowed to be kept by the homeowner. Council voted unanimously to have the building torn down months ago, and now the homeowner is allowed to keep the building, what happened? Why wasn't this made public that they were going to be given a variance? Was zoning bypassed? He has now heard that there will be a walkway connecting the pole barn to the house, you can put lipstick on a pig, but its still a pig, this is still a pole barn.

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A resident asks council if any of them have actually went over to see the barn? All council people have been past this area recently. She informs council the neighborhood used to be a nice neighborhood now they have this enormous barn that they have to look at. No neighbor would do this to any one.

Mary Kay—1 Windemere- She is interested in wondering what her property is worth now? She now has to look at the barn from her front porch now. She and her husband both work hard to live where they do. They have an acre and a half and he has $\frac{3}{4}$ acre. This barn should be on someone's property who has 6 acres, not $\frac{3}{4}$ acre. This building was supposed to come down, what happened? Councilman Thompson informs her the Council was sued. He informs the residents that Solicitor Macejko should now explain to them what happened.

Solicitor Macejko informs the residents that the Village cannot enforce private deed restrictions, and everything that is applicable to Windemere is private. There is only one person that can enforce those deed restrictions, and that is Mr. Roberts. Once the case was transferred from the Village of Poland to the common pleas court via administrative appeal. It would now be the court that would decide what would happen. As this case made it's way through the system from April through October, progress was reported on by solicitor at multiple meetings and a potential settlement was raised at a few meetings also. This has been pending for 5 months. The solicitor basically begged the attorney who was here initially on this issue, to join the Village in battling this issue. The attorney never chose to join. As, with any litigation, you have to consider the likelihood of success and long term costs, and not just money. Insurance claims, deductibles, long term costs, the length of the potential litigation and appeals. The likelihood the Village would have to engage outside counsel and continue this process. All of that went into the factoring of the decision. When we were presented with architectural drawings that complied with our ordinances, including lot coverage, our ordinances talk about the maximum area of coverage a lot can have. Their architect walked through everything, laid it out, and it was well within the ordinances. With that being the case, the recommendation came from the solicitor to the council, it was settled. There are laws when there is pending litigation, a council can meet in executive session to have a more frank and open discussion about the litigation. The last thing any council would want to do is to speak about the litigation strengths and weaknesses in public session.

Residents ask what the settlement was. Solicitor informs them there will be an addition to connect the building to the house. It will be a U shaped house.

Residents ask if the Village is insured for the mistake the Village made, and some heated discussion takes place.

Councilman Thompson doesn't blame the residents for being upset. He also informs the residents that we were more than likely going to lose the law suit and this thing was going to be permitted anyway. And this idea, this alteration to the design, legally speaking, makes that thing, whether its ugly, classless, tasteless, distressing to look at, legally an addition. There will be another addition along the Alexoff's property line.

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The residents of Windemere are informed they should seek Mr. Roberts out to ask about the private deed restrictions and possibility of enforcing them.

Pledge is now recited at 7:30.

Roll Call was taken with the following Members present:

Mr. Christopher Graff, Member of Council
Mr. Samuel Moffie, Member of Council
Mr. Michael Zembower, Member of Council
Mr. Michael Thompson, President of Council
Mr. James Walkama, Member of Council
Mrs. Abbie Mozzy Bosak, Member of Council

Mr. Timothy Sicafuse, Mayor

Also present were:

Mr. Robert Canter, Fiscal Officer
Mr. Jay Macejko, Solicitor

A motion was made by **Mr. Thompson**, seconded by **Mr. Graff** to suspend the orders of the day and return to caucus.

Vote: Graff, Zembower, Walkama,, Moffie, Bosak- yeas. Motion carries 6-0.

Elinor Zedaker 70 Poland Manor- was encouraged one day she drove by the building while visiting a friend on Windemere and saw siding being taken down. She doesn't know what happened.

Alan DiRienzo 4 Windemere- He is the owner of the building in question, and asks all the neighbors why didn't they come to him to say something and discuss this neighbor to neighbor? Heated debate takes place among the residents and a point of order is called.

A motion was made by **Mr. Thompson**, seconded by **Mr. Moffie** to resume the orders of the day.
Vote: Graff, Zembower, Walkama, Thompson, Moffie, Bosak- yeas. Motion carries 6-0.

A motion was made by **Mr. Thompson**, seconded by **Mr. Graff** to approve all reports which were delivered in caucus.

Vote: Graff, Zembower, Walkama,, Moffie, Bosak, Thompson- yeas. Motion carries 6-0.

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Roll Call Vote:, Graff, , Zembower, Walkama,, Moffie, Bosak, Thompson- yeas. Motion carries 6-0.

1. Acceptance of Minutes of Previous Meeting(s)

A motion was made by **Mr. Thompson**, seconded by **Mr. Moffie** to accept the minutes dated 10-4-2022.

Vote:, Graff, , Zembower, Walkama, Thompson, Moffie, Bosak- yeas. Motion carries 6-0.

Notification of Upcoming Meetings and Events to the Public and the News Media.

Committees

Blupr:	<u>11/01/2022 @6:45 p.m. Village Hall</u>
Finance:	<u>10/24/2022 canceled</u>
Legislation:	<u>11/15//2022 6:45</u>
Police:	<u>11/1/2022 @6:30 p.m. Village Hall</u>
Streets:	<u>11/15/2022 @6:30 p.m. Village Hall</u>

Boards and Commissions

Architectural Review Board	<u>11/07/2022 @ 7:00 p.m. Village Hall</u>
Planning Commission	<u>10/19/2022 @ 7:00 p.m. Village Hall</u>
Board of Zoning Appeals	NA
Western Reserve Joint Fire District	<u>11/09/2022 @ 7:00 p.m. Station 92</u>
Poland Municipal Forest Board	<u>10/25/2022 @ 7:00 p.m. Village Hall-Regular Meeting</u>
Hine Memorial Fund Board	<u>11/17/2022 @ 9:00 a.m. Poland Presbyterian Church</u>

Council

First and Third Tuesday monthly. Caucus at 7:00 p.m.
June, July, August meetings are 3rd Tuesday of month.
Regular Meeting at 7:30 p.m. at Poland Village Town Hall
Next Regular Meeting:
Tuesday, , 2022, at Poland Village Town Hall

2. Report from the Mayor- Timothy Sicafuse-

Spoke with Army Corps of Engineers. They were able to get funds to pay for the Sheridan Rd. and Water St. flooding issues.

He is still talking with the school board and the RFQ for Poland Union. They will have a public meeting to let the town know what they are planning on doing with the school. They need to have public support for the project to continue.

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A motion was made by **Mr. Moffie** and seconded by **Mrs. Bosak** to accept the Mayor's report.
Vote: Graff, Zembower, Bosak, Walkama, Thompson, Moffie - yeas. Motion carries 6-0.

3. Report from the Fiscal Officer- Robert Canter.

As delivered in caucus

4. Report from the Zoning Administrator Team -Timothy Clavin.

As submitted in writing.

5. Report from the solicitor- Jay Macejko

Delivered in caucus

6. Report from the Chief of Police -

NA

7. Report from the Street Commissioner

8. Report from Engineer-liaison (MS Consultants) -

Faust is starting the sidewalk project tomorrow 10-5-22.

A motion was made by **Mr. Thompson** and seconded by **Mr. Moffie** to accept the engineer's report.

Vote:, Graff, Zembower, Thompson, Moffie, Bosak, Walkama- yeas. Motion carries 6-0.

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9. Reports from outstanding committees of council.

A.) Finance, Wage, Audit & Insurance Committee- NA.

B.) Legislation Policy Committee- NA did not meet.

C.) Police and Fire Committee-

Discussed issues with cruiser #5, and may need to replace within the next 12-14 months. Possible project on rebadging the vehicles.

A motion was made by **Mr. Moffie** and seconded by **Mrs. Bosak** to accept the Police and Fire Committee report.

Vote; Graff, Zembower, Thompson, Moffie, Bosak, Walkama- yeas. Motion carries 6-0.

D.) Streets, Sidewalks & Drainage Committee-

E.) Building, Lands, Utilities, Parks & Recreation Committee- Nothing to report

10. Reports from Boards.

A. Planning Commission- NA

B. Board of Zoning Appeals- NA

C. Architectural Review Board-. Meeting on 11-7

D. Forest Board- Met on 9-27.

E. Hine Memorial Board-

F. Western Reserve Joint Fire District, Board of Trustees- encourages everyone to vote for the Levy.

A motion was made by **Mr. Moffie** and seconded by **Mrs. Bosak** to accept the WRJFD report.

Vote; Graff, Zembower, Thompson, Moffie, Bosak, Walkama- yeas. Motion carries 6-0.

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11. Reports from Special Committee.

NA

12. Communications from Poland Village Residents -

Olivia Panel-21 Nesbitt St. We have a speeding issue, and now that it's paid they can go even faster. People are not stopping at the stop signs and speeding like crazy. Please patrol this area more. Chief Lambert informs her they are upping their patrols and monitoring of Nesbitt St. He will meet with her personally to see what her findings are.

Ken Adams 354 Johnston Place- inquires about the Army Corps of Engineers study that was approved.

Elinor Zedaker, 70 Poland Manor. Please vote for the Forest Board .25 mill renewal levy. These funds are needed to maintain the forest.

13. New Business - none

14. Old Business -

15. Motions, Ordinances, and Resolutions -

A motion was made by **Mr. Thompson** and seconded by **Mr. Walkama** to approve additional invoices to Issac Wiles attorneys at law in an amount not to exceed \$1,698.50

Vote: Graff, Bosak, Zembower, Walkama, Thompson - yeas. Moffie Opposed Motion carries 5-1

A motion was made by **Mr. Thompson** and seconded by **Mr. Moffie** to approve the purchase of pine roping from Pioneer Trails Tree Farm on Center Rd in and amount not to exceed \$200.

Vote: Graff, Bosak, Zembower, Walkama, Moffie, Thompson - yeas. Motion carries 6-0.

A motion was made by **Mr. Thompson** and seconded by **Mr. Moffie** to approve the annual purchase of 100 tons of road salt for and amount of \$81.87 per ton from Morton Salt.

Vote: Graff, Bosak, Zembower, Walkama, Moffie, Thompson - yeas. Motion carries 6-0.

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A motion was made by **Mr. Thompson** and seconded by **Mr. Moffie** to waive the three readings of an ordinance authorizing the advance of \$2,254.25 from the General Fund to the ODNR Forest Grant fund and declaring an emergency effective October 18, 2022.

Roll Call Vote: Graff, Bosak, Zembower, Walkama, Moffie, Thompson - yeas. Motion carries 6-0.

A motion was made by **Mr. Thompson** and seconded by **Mr. Moffie** for the passage of an ordinance authorizing the advance of \$2,254.25 from the General Fund to the ODNR Forest Grant fund effective October 18, 2022, and declaring an emergency.

Roll Call Vote: Graff, Bosak, Zembower, Walkama, Moffie, Thompson - yeas. Motion carries 6-0.

A motion was made by **Mr. Thompson** and seconded by **Mr. Moffie** to waive the three readings on an ordinance authorizing the transfer \$720.97 from General Fund to Street Levy fund effective October 18, 2022 and declaring an emergency.

Roll Call Vote: Graff, Bosak, Zembower, Walkama, Moffie, Thompson - yeas. Motion carries 6-0.

A motion was made by **Mr. Thompson** and seconded by **Mr. Moffie** for the passage of an ordinance authorizing the transfer \$720.97 from General Fund to Street Levy fund effective October 18, 2022 and declaring an emergency.

Roll Call Vote: Graff, Bosak, Zembower, Walkama, Moffie, Thompson - yeas. Motion carries 6-0.

16. Second & Third Reading-

A motion was made by **Mr. Thompson and seconded by Moffie** to move a third reading and therefore the passage of a resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor.

Roll Call Vote: Graff, Bosak, Zembower, Walkama, Moffie Thompson - yeas. Motion carries 6-0

A motion was made by **Mr. Thompson and seconded by Moffie** to move a third reading and therefore the passage of an ordinance amending section 270.05 of the codified ordinances of the Village of Poland as enacted by ordinance 1614-22 on April 19, 2022 to address cost saving measures associated with employee healthcare.

Roll Call Vote: Graff, Bosak, Zembower, Walkama, Moffie Thompson - yeas. Motion carries 6-0

Record of Proceedings

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DISCUSSION/REMARKS: None.
DISCUSSION/REMARKS: None.

17. Presentation of Bills -

A motion was made by **Mr. Graff** and seconded by **Mr. Moffie** to pay the bills.

Vote: Graff, Bosak, Zembower, Walkama, Thompson, Moffie - yeas. Motion carries 6-0.

18. Questions from the Media - NONE

19. Remarks by Council and the Mayor:

- A. Abbie Bosak- had a great turnout
- B. Mr Graff- NA
- C. Mr. Walkama- na
- D. Mr Moffie. NA
- E. Mr. Zembower—na
- F. Mr. Thompson- vote for EMS and Forest levy

20. A motion was made by **Mr. Moffie** seconded by **Mr. Graff** to adjourn meeting at 7:54 p.m.

Vote: Bosak, Graff, Zembower, Walkama, Moffie, Thompson- yeas. Motion carries 6-0.



October 18, 2022

Robert P. Canter, Deputy Clerk
Village of Poland, Ohio

The next REGULAR MEETING of the Poland Village Council will be **Tuesday, September 6, 2022**. Caucus will begin at 7:00 p.m., with Regular Session beginning at 7:30 p.m. The meeting will be held at the Poland Village Town Hall, 308 South Main Street, Poland, Ohio 44514-2082.

REGULAR POLAND VILLAGE COUNCIL MEETING
October 18, 2022

CAUCUS @ 7:00 P.M.
MEETING @ 7:30 P.M.

AGENDA

Action Items

Approve additional invoices to Isaac Wiles in the amount not to exceed \$1500 for eminent domain issues (RC)

Advance of \$^{2254.25}~~7500~~ from general fund to ODNR Forest grant fund and declare an emergency (RC)

Amend appropriations for the year 2022 and declare an emergency (RC)

Second and Third Readings

Discussion Items/New Business

Old Business

The Meeting will be held at Poland Village Town Hall, 308 S. Main St., Poland, Oh., 44514.

**Street Department Report
10-18-2022**

1. Hot patching is done for the year.
2. The new leaf box is complete and in service.
3. Grass cutting/Leaf removal on Village owned/maintained properties and Hine continues.
4. Grinding and paving mostly complete on Nesbitt, Riverside, College and Centennial.
5. Village Hall sidewalk start date was August 29, 2022 which was extended to September 26, which is also past. I have identified problem areas at Village Hall to compensate for areas replaced by the utility work. All areas to be replaced are marked. MS working with Faust.
6. Planted and mulched 6 new trees at the Hine. Picked up a Magnolia tree donated to the Hine which we have yet to plant. We will also be planting a Canaan Fir upon receipt most likely in December from Pioneer Tree Farm
7. Estimates for repair of F150 were turned in. Jacks Auto body will be doing the work. Awaiting Parts.
8. Leaf pick up has begun. 5 loads the first day. Just a reminder to all Poland Village residents:

All leaves must be placed within 6 feet of the edge of the road. (Anything beyond this will not be picked up.)

Do not place leaves in the street as this is dangerous to traffic and blocks the drainage of water from the road as well as plugging storm sewers. Only leaves should be in the pile (nothing else can be taken per dump site regulation) Avoid putting any other materials in the pile (no sticks, straw, rocks, pumpkins, cornstalks, etc.....they will not be picked up)

Do not block or park close to leaf piles so truck and trailer has room to pull beside piles to pick up.

Thank you in advance for your cooperation!!

Timothy S. Clavin
Working Street Commissioner

Robert P. Carter

1 All materials must be placed within 5 feet of the edge of the road. (Anything beyond this will not be picked up.)

2 Do not place leaves in the street as this is dangerous to traffic and blocks the drainage of water from the road as well as plugging storm sewers.

3 Only leaves should be in the pile (nothing else can be taken per dump site regulation) Avoid putting any other materials in the pile (no sticks, straw, rocks, gunnings, composts, etc....they will not be picked up)

4 Do not block or park close to leaf piles so truck and trailer has room to pull beside piles to pick up.

5 Thank you in advance for your cooperation!

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Matthew J. Clavin
Training Street Department



**Zoning Report
10-18-2022**

Permit #	Permit Date	Parcel Address	Permit Type	Total Fees
N/A	10/13/2022	114 E McKinley Way/101 S. Main St.	Variance applications	\$500.00
20220039	10/10/2022	4 Windemere	Construction/Addition	\$700.00
				\$1300.00

1. With the building wide Wi-Fi active the downstairs office has been vacated by Zoning and everything moved up to 2nd floor zoning office.
2. The next Architectural Review Board meeting is Monday November 7, 2022 at 7:30 at Village Hall.
3. The next planning commission meeting will be Wednesday September 19, 2022 at 7 PM at Village Hall. Two Replats are on the agenda. The first is 18 Poland Manor. The second is an additional parcel at 62 Water Street. Contiguous property owners were contacted.
4. The Board of Zoning Appeals met Thursday October 13, 2022 for applications from Michael Savko for a second driveway at 114 E. McKinley Way and OH Donut for a patio setup in the parking lot/entrance at 101 S Main St. Contiguous property notices and public notice were given. Both applications were tabled for additional information.
5. Gary Diorio from MS Consultants has indicated we need to get two outfalls tested for E.coli per our OEPA storm water permit. I will obtain prices.
6. Andrew Pompeii has submitted new plans for 62 Water St. but all is still on hold per his request.
7. Maureen has sent out report for code enforcement.

Timothy S. Clavin Poland Village Zoning Administrator

