

**COUNCIL WORK SESSION  
MONDAY, December 3, 2012**

**6:30 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
  
- **POSTAGE METER & FOLDING MACHINE**
  
- **DISCUSSION OF STUDENT GOVERNMENT DAY**
  
- **DISCUSSION OF BOARDS & COMMISSIONS RE-APPOINTMENT**
  - **Board of Building Standards and Appeals**
  
- **EXECUTIVE SESSION – personnel**

**Public Hearing at 7:00 p.m.**

Bedford, Ohio

December 3, 2012

Bedford City Council met in a Work Session at Bedford City Hall on Monday, December 3, 2012 at 6:30 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Greg Pozar, Stan Koci, Marilyn Zolata, Donald Saunders, Paula Mizensak. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Henry J. Angelo, Finance Director Frank Gambosi, Assistant Law Director John Montello. Absent: None.

Mayor Pocek started the agenda topics for discussion.

Council had no issues with the November 19, 2012 Work Session minutes, the November 19, 2012 Regular Council minutes or the November 26, 2012 Budget Work Session minutes.

Ordinance No. 9015-12 was an ordinance for the 2013 Appropriation Budget. Mr. Gambosi explained there had been a few more changes since the last meeting. The amendments were in regards to the city homes, vehicles and water costs. Mr. Pozar questioned why the differences. Mr. Gambosi explained the changes were in the General Fund, ambulance fees off-set costs, income tax and controlled spending reduced costs. There was discussion how some states used State and real estate taxes to run their cities and Ohio used income taxes. Mr. Pozar spoke about the cities losing a lot of different types of taxes and the concern of laying off employees and the State was not being held responsible or accountable.

Mrs. Mizensak asked how healthy was the City's reserve. Mr. Gambosi replied, it was the same, \$5.8 million and close to \$2.3 million carryover. The hope was to get an OPWC grant for Broadway waterline project and to borrow \$1 million for street paving.

Mayor Pocek said the BIKES FOR KIDS 31<sup>St</sup> Anniversary Proclamation would be presented this evening to General Manager Mike Nally.

Ordinance No. 9019-12 was an ordinance establishing Chapter 555 of the Codified Ordinance of the City of Bedford entitled "Massage Establishments". Mr. Angelo thought the City needed this added to the Codified. Mr. Pozar expressed his concerns regarding this section because of his past experience at the Beachwood Mall massage business. He felt not all massage businesses should be lumped into one perception. It was determined this would be read as a first reading until the Administration and Council could review it more.

Ordinance No. 9020-12 was an ordinance amending Section 151.23(a) of the Codified Ordinance entitled "Allocations of Funds". Mr. Gambosi briefly explained it was time for this section to be updated because of the employee list. Council had no concerns.

Ordinance No. 9021-12 was an ordinance amending Ordinance No. 8905-11 making additional appropriations. Mr. Gambosi mentioned the following were the reasons for the increase or decrease in appropriation requests: General Fund: personal services hospitalization (\$100,000 more) and prior pension payment \$1,472.42, \$25,000 police auxiliary costs, transfers out for overtime for the Fire

Department and the 201- 501 Funds: personal services: hospitalization, overtime Police \$38,000, other costs were:

Debt service Grand - Franklin \$11,350 ½ year, health insurance claims (\$100,000), computer costs court \$25,000, transmission Fire truck (\$15,000), and donations from Eagles (\$13,000). Mr. Gambosi pointed out the healthcare costs this year was very expensive. He tried to explain the complications in the upcoming years regarding healthcare but nothing had been carved in stone.

Ordinance No. 9022-12 was an ordinance authorizing the Finance Director to establish and maintain a new fund for the Bedford Municipal Court entitled "Bedford Municipal Court Legal Resource Fund". There was confusion whether it should read "Resource" or "Research". Mr. Montello received clarification from Clerk of Courts Tom Day that it should read "Research". Council agreed to amend the ordinance on the floor. Mr. Pozar asked how this came about. It was determined the topic was brought up during the recent Budget Hearings. The cost per case for this fund was \$3 per case which would be deposited into the General Fund to help pay for this position.

[Council recessed to attend the 7:00 p.m. Public Hearing scheduled in Council Chambers regarding the returning to work after retirement for Frank Gambosi at 6:59 p.m.]

Council reconvened the Work Session to finish discussing the agenda topics at 7:17 p.m.

Ordinance No. 9023-12 was an ordinance authorizing the payment of \$2,896.20 to Solar Testing Laboratories, Inc for two emergency passive gas vent wells and contingency plan explosive gas monitoring at the Bedford City Landfill. The City Landfill needed to have some vents installed per the EPA to avoid any issues.

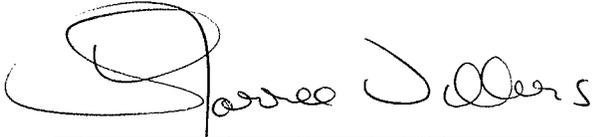
Mr. Gambosi had been working with Pitney-Bowes regarding a postage and mail folding machine. The savings would be in the postage costs regarding first class mail, sorting by zip code, address updates, stacking the mail in different trays, 5 year contract costs so it was better to purchase the machine than rent it, internal training, future training support, and so on. The City would have to pay 100% for the ink but there were a lot of perks with this contract. Mr. Saunders asked if it handled the nine digit zip code. Mr. Gambosi replied, yes.

Mayor Pocek asked if any of Council was going to attend the Student Government Day and what day best fit their schedules. Council thought February 19, 2013 would be fit their schedules.

Council agreed to appoint Dell Judd to the Civil Service position.

There was no need for the executive session as noted on the agenda.

The Work Session adjourned at 7:47 p.m.

  
Clerk of Council

  
Mayor – President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA

DATE: December 3, 2012

AGENDA

TIME: 8:00 P.M.

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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of November 19, 2012
- b. Approval of Minutes of the Regular Meeting of November 19, 2012
- c. Approval of Minutes of the Budget Work Session of November 26, 2012

5. **OLD BUSINESS**

- a. Ordinance No. 9015-12 City of Bedford 2013 Appropriation Budget (1<sup>st</sup> Rdg 11-5-12-2<sup>nd</sup> Rdg 11-19-12)

6. **PRESENTATIONS**

Rick Case "Bikes for Kids" Program Proclamation – General Manager Mike Nally

7. **REPORTS**

- a. City Manager
- b. Law Director
- c. Finance Director
- d. Council Reports

8. **NEW BUSINESS**

- a. Ordinance No. 9019-12 establishing Chapter 555 of the Codified Ordinance entitled "Massage Establishments"
- b. Ordinance No. 9020-12 amending Section 151.23(a) of the Codified Ordinances entitled "Allocations of Funds"
- c. Ordinance No. 9021-12 amending Ordinance No. 8905-11 making additional appropriations
- d. Ordinance No. 9022-12 authorizing the Finance Director to establish and maintain a new Bedford Municipal Court fund entitled "Bedford Municipal Court Legal Resource Fund"
- e. Ordinance No. 9023-12 authorizing the City Manager to enter into a contract w/Solar Testing Labs (\$2,896.20)
- f. Motion to appoint James (Dell) Judd to the Civil Service Commission

9. **HEARING OF CITIZENS**

10. **ADJOURNMENT**

PLEASE **TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING**  
(Council minutes and agenda posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))

Bedford, Ohio

December 3, 2012

Bedford City Council met in Regular Session at Bedford City Hall on Monday, December 3, 2012. Mayor Pocek called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Absent: None.

Motion made by Pozar and seconded by Saunders to approve the minutes of the Work Session of November 19, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Abstain: Mizensak. Motion carried.

Motion made by Zolata and seconded by Batten approve the minutes of the Regular Meeting of November 19, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Abstain: Mizensak. Motion carried.

Motion made by Saunders and seconded by Koci to approve the minutes of the Budget Work Session November 26, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Abstain: Mizensak. Motion carried.

**ORDINANCE NO. 9015-12**, being an ordinance to make appropriations for current expenses and expenditures of the City of Bedford, Ohio during the year 2013 and declaring an emergency placed on first reading on November 5, 2012 and second reading on November 19, 2012 was read by title only.

Motion made by Batten seconded by Koci to amend Ordinance No. 9015-12. Mr. Gambosi briefly explained there were some changes to the document throughout the reading process.

The roll was called. Vote – Yeas: Mizensak, Pocek, Saunders, Zolata, Batten, Koci. Nays: Pozar. Motion carried.

Motion made by Koci seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days.

The roll was called. Vote – Yeas: Mizensak, Pocek, Saunders, Zolata, Batten, Koci. Nays: Pozar. Motion carried.

Motion made by Zolata seconded by Saunders to place Ordinance No. 9015-12 on third.

Mr. Gambosi explained the budget process started in September with the all the departments and then brought before Council for consideration starting in October. He felt this budget was the best that could have been done because of all the State budget cuts.

The roll was called. Vote – Yeas: Mizensak, Pocek, Saunders, Zolata, Batten, Koci. Nays: Pozar. Motion carried.

Mayor Pocek presented the Rick Case “BIKES FOR KIDS” Program Proclamation to General Manager Mike Nally proclaiming the Month of December the “BIKES FOR KIDS” month. Mr. Nally mentioned 2012 was their 31<sup>st</sup> Anniversary and he was very pleased to be a part of this opportunity to help the kids. Used or new bikes were welcomed.

Henry J. Angelo, City Manager mentioned the COG was underway with the cities of Bedford Heights and Maple Heights. The president of the three (3) member Board was Mayor Berger and Vice-President was Mayor Lansky. This Board was working on a \$55,000 grant to assist with the new joint dispatch center. He then reported that Representative John Barnes would be attending the January 7, 2013 regular

council meeting. He urged the residents to attend and express and stress their concerns regarding House Bill 601. Mayor Pocek said this was addressed very well last meeting. He stressed the City and the Administration needed the support of the community. (read below)

**Clerk insert** – Mr. Schuman explained this House Bill was a major infringement upon Home Rule and this would cost the City of Bedford an additional estimated loss of revenue of \$1,350,000.00 from future net profit taxes annually (based upon a five year carry forward net profit tax approval by the legislature). The Local Government Fund has already resulted in a loss of \$330,000.00 annually in revenue for the City of Bedford. The Estate Tax would result in a loss of \$168,000.00 annually in revenue for the City of Bedford. The accelerated phase-out of promised reimbursement for the loss of revenues due to the repeal of the Tangible Personal Property Tax has resulted in a loss of \$462,672.00 annually in revenue for the City of Bedford and the devaluation of real estate occurred in 2012, and thus resulted in a loss of \$469,900.00 annually. He **strongly** urged everyone to **not** support any candidate who supported this bill. This bill destroyed any and every municipality. Council and the Administration strongly urged the residents to write: Armond Budish, the Democratic Representative for the 8th District of the Ohio House of Representatives, 77 South High Street 14<sup>th</sup> Floor, Columbus, OH 43215-6111 and John Barnes, the Democratic Representative for the 12<sup>th</sup> District of the Ohio House of Representatives, 77 South High Street, 10<sup>th</sup> Floor, Columbus, OH 43215-6111.

Mr. Gambosi explained the enormous amounts of money the City was going to have to spend in postage and traveling that was going to be required. There were 68 different types of items in this proposal which many of them were negative to all the cities.

Mr. Pozar couldn't understand how such a horrible thing became to be in motion. The people involved were not taking into consideration the "ripple effect" of House Bill 601 down the road. He talked about the vicious circles the Federal, State and City Governments dealt with. He urged everyone to contact their State Representatives because this was going to affect their "local brass roots".

Mr. Saunders stated the facts was that if this amount of money was taken out the Bedford's budget then the residents were going to see their services disappear. The staff was lean already and the City was going to suffer. He advised everyone to contact their Representatives.]

No report from John Montello, Assistant Law Director.

Frank Gambosi, Finance Director noted there had been some health issues in the Tax Department over the past several months and tomorrow was going to be the first time in months that the Tax Department was going to be fully staffed. He was grateful that everyone was recovering. He thanked everyone for their support during the Public Hearing this evening.

No report from Councilman Batten.

No report from Councilman Koci.

Councilwoman Zolata welcomed Mrs. Mizsak back from her illness. She urged everyone to mail a letter regarding House Bill 601. She asked everyone to participate in the Lights Out for Hunger Program, which would help feed a family in need. The information was on the podium for the residents. She urged everyone to attend one of the FriDates free concerts sponsored by the Arts and Cultural Board. She enjoyed it very much. She thought the Service Department did an excellent job this Fall for the leaf collection.

Councilwoman Mizsak thanked everyone for allowing her to take the month of November because of an illness. She was happy to see the amount of residents that turned out for this evening's meeting.

Councilman Pozar felt any of the tax revenues that were generated in the City of Bedford through the businesses, income tax or anything related to generating revenues should be used in its own city/town. He explained it was a domino effect; the Federal level took from the State and the State took from the Cities/Villages. He noted the Congressional Act of 2012 and the changes that needed to take place was: 1) if there was no tenure there was no pension for Congressmen and Senators, 2) Congress collects their pay when they were in office and they would receive no pay while they were out of office, 3) Congress past, present and future should participate in the Social Security System, 4) all funds in the Congressional Retirement Fund should be immediately moved to the Social Security System, 5) Congress could purchase their own retirement plan, 6) Congress would not be allowed to vote themselves their own pay increase, 7) Congress loses their current health care system and they participate in the same as any other American, 8) Congress must abide by all laws that they impose on the American people, and 9) all contracts with past and present men and women were voided. These changes should be effective January 1, 2013 because the American people did not make these laws; Congress made them. He felt this was a dream that this would ever happen. He urged the residents to become active in letting Representative John Barnes know how they felt about HB 601. He stated this large amount of city funds should be an outrage to everyone.

Councilman Saunders thanked Al Thomas and his crew for all their hard work for the record crowd for the Tree Lighting Ceremony on the City Square. Christmas in Bedford Falls was once again a successful turnout. He was happy to see all the families in attendance for both of these events. The National League of Cities (NLC) conference he just attended was very informative. He focused on the infrastructure section of the conference. He hoped there was going to be a way to fund some of the major infrastructure projects that were necessary.

Mayor Pocek explained his involvement at the NLC was with the First Tier Suburbs issues. He was currently on a steering committee and an advisory board. He announced Vice-Mayor Koci was nominated to be the Vice-Chairman of the First Tier Suburbs Committee. It was very important to still have a voice on these types of committees.

**ORDINANCE NO. 9019-12**, an ordinance establishing Chapter 555 of the Codified Ordinances of the City of Bedford entitled "Massage Establishments" and declaring an emergency was read by title only.

Motion made by Zolata seconded by Koci to place Ordinance No. 9019-12 on first reading.

The roll was called. Vote – Yeas: Mizsak, Pocek, Saunders, Zolata, Batten, Koci. Nays: Pozar. Motion carried.

**ORDINANCE NO. 9020-12**, an ordinance amending Section 151.23(a), entitled "Allocations of Funds" of the Codified Ordinances of the City of Bedford and declaring an emergency was read by title only.

Motion made by Saunders seconded by Mizsak to suspend the rule requiring the reading of said ordinance on three different days.

The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Mr. Gambosi explained this ordinance needed to be revised regarding the current employee positions that were being charged to the water and sewer funds.

Motion made by Batten seconded by Zolata to place Ordinance No. 9020-12 on third and final reading and passed.

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9021-12**, an ordinance amending Ordinance No. 8905-11 making additional appropriations for the current expenditures of the City of Bedford, Ohio during the year 2012 and declaring an emergency was read by title only.

Motion made by Batten seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days.

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Saunders to place Ordinance No. 9021-12 on third and final reading and passed.

Mr. Gambosi noted the changes were associated with the increase to the health insurance costs, major health claims, repair of the Fire Department's pumper truck and the increases in all the safety forces.

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9022-12**, an ordinance authorizing the Finance Director to establish and maintain a new fund for the Bedford Municipal Court entitled "Bedford Municipal Court Legal Resource Fund" and declaring an emergency was read by title only.

Motion made by Koci seconded by Zolata to amend the legislation to read "Bedford Municipal Court Legal Research Fund"

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizensak to suspend the rule requiring the reading of said ordinance on three different days.

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Koci to place Ordinance No. 9022-12 on third and final reading and passed.

Mr. Gambosi said he was directed by Court Journal Entry to create and maintain the new fund for research duties for Court purposes.

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9023-12**, an ordinance authorizing the payment of \$2,896.20 to Solar Testing Laboratories, Inc. for two emergency passive gas vent wells and contingency plan explosive gas monitoring at the Bedford City Landfill and declaring an emergency was read by title only.

Motion made by Batten seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days.

The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to place Ordinance No. 9023-12 on third and final reading and passed.

Mr. Angelo explained the City currently monitored methane gas at the City's Landfill semi-annually at a cost of \$301.00 per monitoring. He noted the intention was to install two vent wells to reduce the inspections which would save costs.

The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Mizsak to appoint James (Dell) Judd to the Civil Service Commission.

The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously. Mayor Pocek stated Mr. Judd was a steadfast supporter of the City, a businessman as well as a very good resident. He welcomed Mr. Judd to the Civil Service Commission.

Mayor Pocek said that concluded the business portion of the meeting and asked if anyone in the audience had any concerns.

Kenneth Pund, owner of Bedford's Glens Garden Center, 43 Glens Road, said he owned a lot of rental properties in Bedford. He had a few issues to discuss this evening as follows: 1) rental unit located at 177 Willis flooded terribly by the backup of the City's sanitary sewer. Currently the property was empty but he needed some type of resolution before he could rent this unit. Mr. Angelo explained this issue was already in the process of being looked at. The sanitary line normally ran 2/3 full on a regular bases/dry event, however, the City's Engineer has not come up with a solution. Mr. Pund pointed out that he had a couple problems with his renter's friends doing property damage to one of his rentals and rental break-ins. The complaint he had was the Municipal Court did not notify him as to when the Court Hearing was scheduled so he could be present. He found this information on the internet regarding the finds and arrests made regarding his rental property. Assistant Law Director Montello was not familiar with these situations so he suggested Mr. Pund make an appointment with Mr. Schuman. Mr. Montello noted the Municipal Court was very conscious about getting restitution for the victims. Mr. Angelo suggested before Mr. Pund made an appointment with Mr. Schuman that he have all the information available.

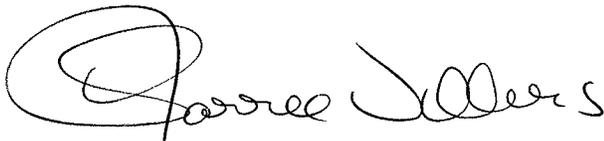
Tracy Sheets, 45 Palmetto Avenue thanked the City for the wonderful garden program behind Central School. She had concerns about the City of Bedford allowing the transportation of water to Streetsboro, Ohio. Her concern was because of Bedford's aging infrastructure because with the additional water transportation/pressure to Streetsboro she felt this was why she experienced a water main break at her residence. The water main break was with such force it made a hole in the foundation of her home. She commented she kept receiving water bills, yet, she has no water. Mr. Angelo clarified the City maintained

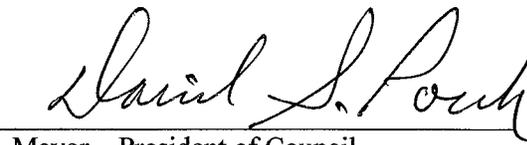
the water pressure at a certain level, however, the City of Bedford did not transport water to Streetsboro. He said there were three (3) water main breaks in this area in the past week, which he thought were associated with the adjustments in the water pressure made by Cleveland. Bedford did not control the water pressure and in the past had expressed concerns when Cleveland made any changes without notice. Mayor Pocek explained Bedford was a Master Meter City and was aware of the amount of water coming in and the costs. The water supply was from Lake Erie and Cleveland chose to send the water to Streetsboro. It was not a decision Bedford made. Ms. Sheets felt Cleveland should not increase the water pressure because she has experienced several waterline breaks.

Mr. Gambosi explained the reason she was being charged for water whether it was turned off or not was because it was the ability to have water in her house. There was a cost to have water at the street, which was over \$45,000+ per street. Mr. Saunders noted the three (3) main water transmission lines: one was located on Broadway and two on Northfield Road, 30 inches+ in diameter. These waterlines allowed water to the cities of Twinsburg and Streetsboro with no connection to the Bedford waterlines. These water transmission lines were maintained by the City of Cleveland. This waterline was in the right-of-way and it was no different than any other utility company.

Mayor Pocek asked if there were any further comments. There being no reply, motion made by Koci and seconded by Saunders to adjourn. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:38 P.M.

  
Clerk of Council

  
Mayor – President of Council

**PUBLIC HEARING**

**BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA**

**DATE: December 3, 2012**

**AGENDA**

**TIME: 7:00 P.M.**

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **NEW BUSINESS**

Returning to Work after Retirement for Frank Gambosi

4. **ADJOURNMENT**

Bedford, Ohio

December 3, 2012

Mayor Pocek called the Public Hearing to order at 7:00 P.M. The roll was called. Present: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Also present: Frank Gambosi, Finance Director, City Manager, Henry J. Angelo, Assistant Law Director, John Montello, Helen Briggs, Cheryl Gambosi, Patricia French.

Mayor Pocek stated the topic for the Public Hearing this evening was the issue of the returning to work after retirement of Frank Gambosi. Mr. Gambosi has requested to come back after retirement.

Mr. Gambosi stated for the record that he had not anticipated to retire but after reviewing the OPERS information which allowed a one-time offer of a 3% guarantee for life, which had to be completed by the end of 2012. He would have not considered this option unless he gave something back in return to the City. The savings would be \$156,000 over a five (5) year period while he took advantage of the OPERS offer. (see attached) He would receive two (2) checks; one for retirement and the other for working as the Finance Director. He dropped his salary to a beginner's higher salary. His position was appointed by a legislative body (Council) per the Ohio Revised Code. He appreciated the attendance this evening of his wife Cheryl Gambosi, his Aunt Patricia French and Helen Briggs.

Councilman Pozar said there was negative public perception of "double dipping" which meant an employee retired and was rehired in the same position collecting two types of income. He noted in some circles "double dipping" was justification of not allowing it to happen. In Mr. Gambosi's case, as well as any 30 year employee that was effective and functioning the "double dipping" was something that employees had paid in and they deserved and would have anyway except for the dispensation. The City's benefit of allowing this to happen was a cost savings for every eligible employee. The problem he had was the different treatment for different employees. The Bedford Municipal Court had four/five employees and some of the Bedford Police Officers were entitled to a similar program called the "drop program". There were other employees that wanted to retire and be rehired but because who they fall under in management were not given this same option. Some of the employees were under the management of the City Manager and some were under Council. He had strong reservations about what's fair for one employee was not fair for the others. He noted in Mr. Gambosi's case, he was very deserving of this opportunity. Mr. Gambosi also took measures to start training for his position plus Mr. Gambosi also gave back to the City monetarily but in terms of the overall practice, the City Charter does in fact identify what department head was responsible for each employee but ultimately it was Council's decision. He thought the application of this opportunity should be equal for every employee that wanted to take advantage of the OPERS 3% guarantee. He thanked Mr. Gambosi for providing Council of a very good "snap shot" of a potential savings of \$400,000 over the next five (5) years. He hoped there would be some reconsideration on this issue for the other employees and this would help the budget shortcomings.

There was discussion whether Council needed to vote on a motion this evening allowing Mr. Gambosi to return to work after retirement. Council thought since they had already allowed Mr. Gambosi to return to work after retirement, the Public Hearing was just to inform the residents. It was determined Mr. Gambosi was following the rules set by the OPERS. Mr. Montello did not see a problem with Council voting on the motion.

Councilwoman Zolata was very happy that Mr. Gambosi was considering this opportunity. She was not sure what the City would do without him. She noted as far as the other employees that wanted to do the same thing, that was up to the City Manager as defined by the City Charter.

Councilman Koci stated everyone knew his opinion on retirees and rehires and even though Mr. Gambosi fell in a different category, he wished for him to stay employed. The Council or Administration was not "kicking" any employees out the door and they had the option to stay. He felt this situation had to be consistent across the board because of his beliefs. He said he was going to vote "no" regarding this issue. If an employee was going to stay, then they should just stay. It was easy to make an exception for Mr. Gambosi because of his unique position, he was not promoted within. He agreed with Mr. Pozar on "what is good for one is good for all".

Councilman Saunders felt allowing Mr. Gambosi to stay on board was one of the best things the City could do right now especially with Mr. Gambosi's national recognition of being one of the better Finance Director's in the county. He could easily retire and get another job in another community without any difficulties. The City's bond rating spoke volumes on Mr. Gambosi's accomplishments.

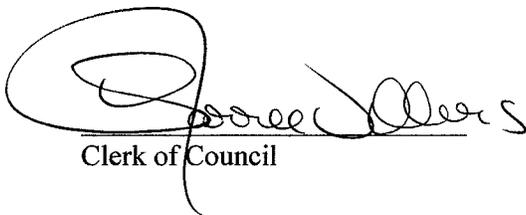
Motion made by Pozar seconded by Zolata to approve the returning to work after retirement for Frank Gambosi.

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: Batten, Koci. Motion carried.

Mayor Pocek asked if there were any further questions. There being no reply, motion made by Batten and seconded by Koci to adjourn. The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

The Mayor informed everyone that the Public Hearing was now concluded and that Council would reconvene the work session that was being held in the caucus room prior to the Public Hearing.

Meeting adjourned at 7:12 P.M.



Clerk of Council



Mayor – President of Council