

VILLAGE OF BRATENAHL
BRATENAHL COMMUNITY CENTER
10300 BRIGHTON ROAD
BRATENAHL, OHIO 44108

SPECIAL MEETING OF VILLAGE COUNCIL

MAY 7, 2022
9:00 a.m.

MAYOR JOHN LICASTRO
KEITH BENJAMIN
JOYCE BURKE-JONES
TRACY HOEFLING, (via phone)
GINA HUFFMAN
THOMAS McDONALD

LAW DIRECTOR: DAVID MATTY

TRANSCRIBED BY: LORRAINE J. KLODNICK, RDR, CRR

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1 MR. McDONALD: Mr. Benjamin, that
2 includes voting.

3 MR. BENJAMIN: Yes.

4 MAYOR LICASTRO: Move the mic so he can
5 be heard. We are recording this.

6 MR. MATTY: Mayor, I have Mr. Studenic
7 on my phone, my speaker.

8 MAYOR LICASTRO: Good morning. Any
9 questions on the agenda from the audience? Thank
10 you.

11 As you're aware, initially the Village
12 did not have coverage for employment practice and
13 public officials liability. Through a major
14 effort by Rich Studenic, our agent from
15 Wichert Insurance, the last chance we had was a
16 company called QBE out of Texas. We were able to
17 acquire both employment practice and public
18 officials liability.

19 Rich, do you want to add anything?

20 MR. STUDENIC: Yes. Just a point of
21 clarification.

22 On my proposal, you'll see the date that
23 it says inception date of May 5th, 2022, as well
24 as the retroactive date of May 5th. The carrier
25 has said they will only make the policy effective

2

1 MAYOR LICASTRO: Okay. It's 9:00, I'm
2 going to call this meeting to order.

3 Mr. Matty, would you call the roll? All
4 right, I'll call the roll.

5 Mr. Benjamin?

6 MR. BENJAMIN: Present.

7 MAYOR LICASTRO: Ms. Burke-Jones?

8 MS. BURKE-JONES: Here.

9 MAYOR LICASTRO: Ms. Hoefling?

10 MS. HOEFLING: Aye.

11 MAYOR LICASTRO: You're here, right?

12 MS. HOEFLING: Here.

13 MAYOR LICASTRO: Ms Huffman?

14 MS. HUFFMAN: Here.

15 MAYOR LICASTRO: Mr. McDonald?

16 MR. McDONALD: Here.

17 MAYOR LICASTRO: Thank you. We have a
18 quorum. Ms. Hoefling is joining us by phone.

19 MR. BENJAMIN: For the record, just to
20 explain that we're allowed to have virtual
21 meetings up until July 1st.

22 MAYOR LICASTRO: That's right. Through
23 the end of June, the general assembly has allowed
24 us to have virtual meetings to allow people to
25 participate virtually through the end of June.

4

1 on the date that the Village passes the
2 resolution or ordinance to purchase the coverage,
3 so if that is the Village's wish here to pass the
4 proper legislation, the policy will be effective
5 upon that date.

6 MAYOR LICASTRO: Thank you. In your
7 packet as well we have a second resolution which
8 extends the reporting period coverage from HCC,
9 our former carrier.

10 Rich, do you want to explain that?

11 MR. STUDENIC: Yes. The extended
12 reporting carrier is the numbers that have been
13 quoted. The premium is for a three-year period.

14 What that does, that allows any wrongful
15 acts that have occurred during the HCC period,
16 meaning in the past, to -- that you learn about,
17 say, in six months from now, that the coverage
18 through HCC will extend. And that is necessary
19 because the QBE policy is only providing coverage
20 going forward from today.

21 MAYOR LICASTRO: Thank you, Rich.

22 So does Council understand the nature of
23 both the resolutions?

24 (Council members collectively
25 respond affirmatively.)

1 MAYOR LICASTRO: All right. Now, the
 2 one with employment practice and official public
 3 officials is high deductible, high premium. I'm
 4 recommending we take the \$100,000 deductible,
 5 which is a few dollars more than the \$150,000
 6 deductible, and understand that with the
 7 deductible the Village would be obligated, you
 8 know, if everything is according to Hoyle, that
 9 the Village would pay for defense and claims from
 10 the general fund.
 11 If we exceed the \$100,000, I hope we
 12 don't, the insurance company kicks in.
 13 Is that correct, Mr. Matty?
 14 MR. MATTY: Yes. And there's a total
 15 of, Rich, and correct me if I'm wrong, but my
 16 understanding is there's a total on an annual
 17 basis of a million dollars of coverage for all
 18 claims.
 19 MR. STUDENIC: Right, both public
 20 officials and employment practices.
 21 MR. MATTY: And that would be in excess
 22 of the \$100,000 deductible?
 23 MR. STUDENIC: Correct.
 24 MR. MATTY: Thank you.
 25 MAYOR LICASTRO: And I must mention Rich
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1 and I have become exceptional friends. The last
 2 week we spoke on a daily basis. He was
 3 determined to find a company that gave us a
 4 quote. QBE is based out of Canada, but this
 5 particular agency is out of Texas, the entity is
 6 out of Texas, and Rich worked exceptionally hard
 7 on our behalf to come up with insurance.
 8 Any other questions from Council?
 9 MR. BENJAMIN: Just I probably know the
 10 answer to this, because I do know how hard Rich
 11 has worked on working to get us insurance, but
 12 this is the only option that we have? We have
 13 explored every other option and this is --
 14 MR. STUDENIC: Just in round numbers,
 15 throughout the process we approached roughly
 16 round numbers a dozen insurance companies. This
 17 is the only company that I was able to get a
 18 public officials and employment practice, or I
 19 even asked for one without the other to do that.
 20 This is the only program that was willing to
 21 provide a quote.
 22 MAYOR LICASTRO: And we've explored
 23 pools. We explored other entities. Yeah, this
 24 was a last-ditch effort and it's come through.
 25 Any other questions? Ms. Burke-Jones.
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1 MS. BURKE-JONES: Yes. Has the Finance
 2 Committee taken a look at this? I know we had
 3 budgeted something closer to what we had last
 4 year. We found the dollars to cover this for
 5 this year?
 6 MR. McDONALD: There are dollars
 7 available.
 8 MS. BURKE-JONES: Great. Thank you.
 9 MAYOR LICASTRO: Yeah, this is all
 10 real-time stuff.
 11 MS. BURKE-JONES: I understand that, and
 12 again --
 13 MAYOR LICASTRO: So Mr. McDonald and I
 14 had the same conversation. I had the same
 15 conversation with Diana.
 16 MS. BURKE-JONES: Good.
 17 MAYOR LICASTRO: One of the benefits of
 18 working at home with COVID is we've seen an
 19 uptake in income tax and other factors, so we are
 20 good.
 21 Any other questions? Mr. Benjamin, if
 22 you would, 1256?
 23 MR. BENJAMIN: Sure. Resolution 1256:
 24 A resolution accepting the insurance and risk
 25 management proposal of QBE Specialty Insurance
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1 Company for insurance coverage and declaring an
 2 emergency. I move suspension.
 3 MR. McDONALD: I second.
 4 MAYOR LICASTRO: Roll call on
 5 suspension. Mr. Benjamin?
 6 MR. BENJAMIN: Aye.
 7 MAYOR LICASTRO: Ms. Burke-Jones?
 8 MS. BURKE-JONES: Aye.
 9 MAYOR LICASTRO: Ms. Hoefling?
 10 MS. HOEFLING: Aye.
 11 MAYOR LICASTRO: Ms. Huffman?
 12 MS. HUFFMAN: Aye.
 13 MAYOR LICASTRO: Mr. McDonald?
 14 MR. McDONALD: Aye.
 15 MR. BENJAMIN: Resolution 1256, I move
 16 for passage.
 17 MR. McDONALD: Second.
 18 MAYOR LICASTRO: Who seconded the --
 19 MS. BURKE-JONES: Tom did.
 20 MR. McDONALD: I did.
 21 MAYOR LICASTRO: For both. Okay. Thank
 22 you. Thank you.
 23 Any questions? If there be none, we'll
 24 call for passage, please. I have to do that,
 25 right? (Laughter.) I'm doing everything this
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1 morning.
 2 MS. BURKE-JONES: It's Saturday.
 3 MAYOR LICASTRO: Mr. Benjamin?
 4 MR. BENJAMIN: Aye.
 5 MAYOR LICASTRO: Ms. Burke-Jones?
 6 MS. BURKE-JONES: Aye.
 7 MAYOR LICASTRO: Ms. Hoefling?
 8 MS. HOEFLING: Aye.
 9 MAYOR LICASTRO: Ms. Huffman?
 10 MS. HUFFMAN: Aye.
 11 MAYOR LICASTRO: Mr. McDonald?
 12 MR. McDONALD: Aye.
 13 MAYOR LICASTRO: Thank you. And, Rich,
 14 when both -- hopefully we'll pass the second one.
 15 Should I just run over to Village Hall and fax
 16 these to you?
 17 MR. STUDENIC: Yes. Well, you can
 18 e-mail them to me. Even if it's not today,
 19 Monday is fine.
 20 MAYOR LICASTRO: All right. Because I
 21 need Ms. Cooks' signature on this and I won't
 22 have that until Monday.
 23 MR. STUDENIC: That's fine. I heard the
 24 roll call. That's fine.
 25 MAYOR LICASTRO: Thank you. Moving on
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1 to Resolution 1257, Ms. Burke-Jones.
 2 MS. BURKE-JONES: Yes, introducing
 3 resolution number 1257 for suspension, a
 4 resolution accepting the proposal of HCC public
 5 risk Ohio, US Specialty Insurance Company for
 6 additional extended reporting period for public
 7 officials and employment practice liability for
 8 the period of May 1, 2022, through April 30th,
 9 2025, and declaring an emergency.
 10 MAYOR LICASTRO: Is there a second on
 11 suspension?
 12 MR. McDONALD: Second.
 13 MS. BURKE-JONES: Introducing --
 14 MAYOR LICASTRO: One second. Remember,
 15 I have to do this now.
 16 MS. BURKE-JONES: Oh, that's right.
 17 MAYOR LICASTRO: Mr. Benjamin?
 18 MR. BENJAMIN: Aye.
 19 MAYOR LICASTRO: Ms. Burke-Jones?
 20 MS. BURKE-JONES: Aye.
 21 MAYOR LICASTRO: Ms. Hoefling?
 22 MS. HOEFLING: Aye.
 23 MAYOR LICASTRO: Ms. Huffman?
 24 MS. HUFFMAN: Aye.
 25 MAYOR LICASTRO: Mr. McDonald?
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1 MR. McDONALD: Aye.
 2 MS. BURKE-JONES: Okay. Now,
 3 introducing resolution number 1257 for passage.
 4 MR. McDONALD: Second.
 5 MAYOR LICASTRO: Questions or concerns?
 6 Mr. Benjamin?
 7 MR. BENJAMIN: Aye.
 8 MAYOR LICASTRO: Ms. Burke-Jones?
 9 MS. BURKE-JONES: Aye.
 10 MAYOR LICASTRO: Ms. Hoefling?
 11 MS. HOEFLING: No.
 12 MAYOR LICASTRO: Did you say -- are you
 13 there, Trace?
 14 MS. HOEFLING: I am here. I have no
 15 questions.
 16 MAYOR LICASTRO: We're taking the roll.
 17 What's your vote?
 18 MS. HOEFLING: Aye.
 19 MAYOR LICASTRO: Thank you. Ms.
 20 Huffman?
 21 MS. HUFFMAN: Aye.
 22 MAYOR LICASTRO: Mr. McDonald?
 23 MR. BENJAMIN: Aye.
 24 MAYOR LICASTRO: Thank you. That ends
 25 the agenda.
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1 Before we take any questions, we have
 2 two candidates that have come forward to fill the
 3 vacancy that was created by Mr. Taylor's
 4 resignation. It would be nice to have a full
 5 complement if we can before the 18th.
 6 So we have two options. We can do a
 7 Saturday morning, next Saturday -- I know I'm
 8 killing you -- to interview the two or maybe
 9 more, we might have others come forward, or we
 10 could do the evening of the 17th, which is the
 11 day before Council. Do any of you have a
 12 preference?
 13 MS. BURKE-JONES: I prefer Saturday
 14 myself.
 15 MAYOR LICASTRO: Yeah, I think it's
 16 easier if we can. Next week I'm in Columbus the
 17 17th. I'm going to have to really hustle to get
 18 back. So can we do it next Saturday at 9?
 19 MR. BENJAMIN: I'll try to make it work.
 20 MR. McDONALD: As my calendar looks
 21 right now, yes.
 22 MAYOR LICASTRO: We're going to need to
 23 have all of you there.
 24 Tracy, I know you might still be calling
 25 in. Can you get that on your calendar?
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1 MS. HOEFLING: Yes. I can make Saturday
2 morning.

3 MAYOR LICASTRO: All right. So I'll
4 confirm that with the candidates. Again, we
5 might have more coming forward.

6 MR. McDONALD: Are you soliciting
7 additional candidates?

8 MAYOR LICASTRO: Oh, yeah. We put it on
9 the web. We put it on a blast. Immediately two
10 individuals stepped forward and we let them know
11 the nuance at the time of not having coverage.
12 It did not dissuade them. Of course now we do,
13 so that's encouraging.

14 Again, the deadline is 4:00 on the 13th,
15 which is next Friday.

16 MR. McDONALD: I've approached somebody.
17 They said no.

18 MAYOR LICASTRO: Well, they have to
19 contact me via e-mail. We'd be glad to consider
20 anyone willing.

21 MR. MATTY: I won't be needed for that
22 meeting. So that Council understands, if you do
23 have the interviews and you do make a decision
24 that day, you can do so by motion and direct me
25 to prepare legislation for the meeting on the

1 18th. And then we would address that as the
2 first item on an agenda on the 18th and the
3 person could be sworn in so they could
4 participate in your proceedings on the 18th.

5 MAYOR LICASTRO: Yes. Ms. Goyanes?

6 MS. GOYANES: So I wanted to understand
7 this. The premium is going to be \$100,000?

8 MAYOR LICASTRO: It's \$111,000.

9 MS. GOYANES: Okay. And what was it
10 before?

11 MAYOR LICASTRO: The other insurance is
12 63,000 and change.

13 MS. GOYANES: So before we were paying
14 63,000. Why has it gone up?

15 MAYOR LICASTRO: Why has it gone up?

16 MS. GOYANES: Yes.

17 MAYOR LICASTRO: Because through
18 circumstances of no fault of our own, the Village
19 was dropped by our former carrier because our
20 loss runs were excessive.

21 MS. GOYANES: Your what was excessive?

22 MAYOR LICASTRO: Loss runs, claims
23 against the Village.

24 MS. GOYANES: Claims against the
25 Village. No one else would insure you for

1 \$100,000?

2 MAYOR LICASTRO: That's correct. The
3 claims because of litigation and things beyond
4 our control were such that we were dropped and we
5 have to go to this format to get coverage.

6 MS. GOYANES: What was beyond your
7 control?

8 MAYOR LICASTRO: Accidents on the
9 freeway and we can't choose who litigates against
10 us.

11 MS. GOYANES: Right.

12 MAYOR LICASTRO: And the Village did no
13 wrong.

14 MS. GOYANES: You did no wrong?

15 MAYOR LICASTRO: That's correct.

16 Mr. Orel?

17 MR. OREL: I was just wondering, what is
18 the vacancy for?

19 MAYOR LICASTRO: Mr. Taylor resigned.

20 MR. OREL: Oh, I didn't know.

21 MAYOR LICASTRO: Anyone else? Motion to
22 adjourn, please.

23 MR. OREL: I'm sorry. I did -- I have
24 another question.

25 MAYOR LICASTRO: Go ahead.

1 MR. OREL: I was just wondering if the
2 Public Improvements Committee --

3 MAYOR LICASTRO: Do me a favor, sir,
4 let's keep this meeting to this topic.

5 MR. OREL: Well, I thought that any
6 other business was available. I was wondering if
7 we could talk about this for a moment if that
8 would be okay.

9 MR. MATTY: Before you do that, Rich,
10 you can go. Thank you.

11 MR. STUDENIC: Thanks, Dave.

12 MAYOR LICASTRO: Joyce.

13 MS. BURKE-JONES: We'll do a special, as
14 I mentioned to you, we'll do a special Public
15 Improvements meeting. Just need to make sure
16 that we have the parties there that could
17 actually answer the questions as well as that we
18 might have at the meeting.

19 MR. OREL: I didn't see that in your
20 email. I was just wondering if it could be
21 before a council meeting.

22 MAYOR LICASTRO: Not this month.

23 MR. OREL: Here is my concern. I mean,
24 the weather is getting nice, the children are
25 going to start coming out to play. If a child

1 plays, uses a ramp or something, falls, that's
2 going to be an insurance claim. From what I just
3 heard, you could have more litigation.

4 I mean, at this point it's almost
5 willful negligence because council has known
6 about this for a very long time and I just think
7 it's urgent, but that's up to you guys.

8 MAYOR LICASTRO: That, sir, is your
9 opinion and we appreciate it.

10 Anyone else? Is there a motion to
11 adjourn?

12 MR. McDONALD: So moved.

13 MR. BENJAMIN: Second.

14 MAYOR LICASTRO: I'll have a Saturday
15 morning confirmation of that.

16 Mr. Benjamin?

17 MR. BENJAMIN: Aye.

18 MAYOR LICASTRO: Ms. Burke-Jones?

19 MS. BURKE-JONES: Aye.

20 MAYOR LICASTRO: Ms. Hoefling?

21 MS. HOEFLING: Aye.

22 MAYOR LICASTRO: Ms. Huffman?

23 MS. HUFFMAN: Aye.

24 MAYOR LICASTRO: Mr. McDonald?

25 MR. McDONALD: Aye.

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1 MAYOR LICASTRO: Special thanks to Tracy
2 for doing this today. Thanks, Trace. We're very
3 appreciative. I'll confirm the interviews once
4 they fall into place.

5 Have a good day, everybody. Good-bye.
6 (Thereupon, the meeting was adjourned.)


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CERTIFICATE

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4 I, Lorraine J. Klodnick, do hereby certify
5 that as such Reporter I took down in Stenotypy all
6 of the audio-taped proceedings had in the foregoing
7 transcript; that I have transcribed my said
8 Stenotype notes into typewritten form as appears in
9 the foregoing transcript; that said transcript is
10 the complete form of the audio-taped proceedings
11 had in said cause and constitutes a true and
12 correct transcript therein.

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