

BRATENAHL VILLAGE
411 BRATENAHL ROAD
BRATENAHL, OHIO 44108
(216) 383-0468

PUBLIC RECORDS MEETING
CONDUCTED VIA ZOOM

May 26, 2021
10:00 a.m.

MAYOR JOHN LICASTRO, CHAIR
DIANA COOKS
DAVID DEWS
DAVID J. MATTY, ESQ.

NANCY L. MOLNAR, RPR, CLR

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1 Julie, if you're speaking, you're muted.
2 MS. KREINER: I am speaking. Sorry. So
3 is this the time then we state as to what we
4 would like to -- I prepared an RC3 based on what
10:02:27 5 the Court has for destruction. Is this the time?
6 MAYOR LICASTRO: It's the next item, but
7 we can meld.
8 MS. KREINER: No, no, that's okay, I'll
9 wait. Okay.
10:02:39 10 MAYOR LICASTRO: So any comments on this
11 before we move to the next? They're sort of one
12 in the same.
13 MS. KREINER: Okay.
14 MAYOR LICASTRO: All right. Julie, go
10:02:48 15 ahead.
16 MS. KREINER: I'd like to start, I have
17 prepared an RC3 for my Court records that are due
18 for disposal based on our record retention
19 schedule. I don't know if you want me to list
10:03:06 20 them, but I prepared it for us to send it down
21 for the -- once we send it down to the Ohio
22 History Connection. I have about eight entries
23 on my list. I don't know if you want me to list
24 them.
10:03:35 25 MAYOR LICASTRO: Recap what they are,

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1 MAYOR LICASTRO: Okay. It's 10:00.
2 I'll call this meeting to order and note all
3 members of the committee are present. Thank you
4 for attending. We have our court reporter, Nancy
10:01:13 5 Molnar, on the call as well.
6 You were sent the minutes from the prior
7 meeting. Is there a motion to amend or approve
8 as offered?
9 MR. MATTY: A motion to approve as
10:01:27 10 offered.
11 MAYOR LICASTRO: Is there a second?
12 MR. DEWS: I second it. Dave Dews.
13 MAYOR LICASTRO: Discussion? All in
14 favor of the motion?
10:01:38 15 MR. MATTY: Aye.
16 MAYOR LICASTRO: Aye.
17 MR. DEWS: Aye.
18 MAYOR LICASTRO: Anyone opposed? Thank
19 you. We are obligated to meet twice a year.
10:01:49 20 This is our second meeting of 2021. First item
21 on the agenda is a review of recommendation
22 public record eligible -- public records eligible
23 for destruction under the Village of Bratenahl's
24 record retention policy. Any comment on that
10:02:05 25 agenda item? Any suggestions?

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1 please.
2 MS. KREINER: Okay. So it's case file,
3 my traffic case files, schedule number 04-002,
4 including from 1/2012 -- I'm sorry. Yeah, 2012
10:03:55 5 to 12/2014, so that's two years of traffic case
6 files. And then moving down I'm going to do the
7 same for the criminal case files under schedule
8 number 04-002 from 1/2012 to 12/2014.
9 Now, on the schedule I've listed them
10:04:24 10 per year, one each year, '12, '13, and '14. I
11 have receipt books from schedule number 04-013 on
12 the schedule number from 2011 to 2016. And then
13 bond receipt books 04-013 from 2012 to 2016. And
14 I also have checks from 2015 to 2016, bank
10:05:03 15 statements from 2015 to 2016 in that. And
16 they're all paper. And lastly, public record
17 requests from 2014 to 2016.
18 MAYOR LICASTRO: And you're certain that
19 the destruction complies with our retention
10:05:30 20 policy?
21 MS. KREINER: Yes. I'm sorry, for the
22 public records, just for clarification, public
23 records 1-060 schedule number and for the bank,
24 the checks and that it's 07-030.
10:05:49 25 MAYOR LICASTRO: Thank you. Mr. Matty,

1 did you jump overboard?
 2 MR. MATTY: Not yet, Mayor. Mrs.
 3 Kreiner?
 4 MS. KREINER: Yes.
 10:05:57 5 MR. MATTY: Mrs. Kreiner, if I may ask,
 6 are any of those records needed for any pending
 7 cases?
 8 MS. KREINER: No, Mr. Matty, no. I have
 9 reviewed them thoroughly. I read the
 10:06:10 10 restrictions that we have and they do not.
 11 MR. MATTY: Thank you. That's all I
 12 have, Mayor.
 13 MAYOR LICASTRO: Any other member of the
 14 commission?
 10:06:20 15 MR. DEWS: Are these records both
 16 digital and also paper or are they all paper?
 17 MS. KREINER: These are all paper.
 18 After 2016, I no longer received, you know,
 19 copies of the checks. The bank keeps them. So
 10:06:39 20 this is -- that was the last year for that.
 21 Nothing is digital for destruction. All mine is
 22 paper. We don't have scanned case files as of
 23 '16 and '17, so these will all be just paper.
 24 MR. DEWS: Thanks for clarification.
 10:07:02 25 MS. KREINER: Sure.
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1 MAYOR LICASTRO: Thank you, David. I'll
 2 ask for a motion to approve sending these to the
 3 Ohio Historical Connection. Understand they have
 4 to approve the destruction of the documents
 10:07:14 5 before we have permission to do so. So if
 6 there's no further comment, is there a motion to
 7 take that next step?
 8 MR. MATTY: Motion so made, Mayor.
 9 MS. COOKS: Second.
 10:07:27 10 MAYOR LICASTRO: Discussion of the
 11 motion? All in favor of the motion?
 12 MR. MATTY: Aye.
 13 MS. COOKS: Aye.
 14 MAYOR LICASTRO: Aye.
 10:07:39 15 MR. DEWS: Aye.
 16 MAYOR LICASTRO: Anyone opposed? Okay.
 17 Thank you for putting that together, Mrs.
 18 Kreiner.
 19 MS. KREINER: Sure.
 10:07:47 20 MAYOR LICASTRO: We'll send that down to
 21 the Ohio Historical Connection looking for their
 22 approval. Is there anything else for this
 23 committee to discuss?
 24 MS. MEADE: I have a comment or a
 10:07:58 25 question.
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1 MAYOR LICASTRO: Hold on, please.
 2 Is there anything else for committee
 3 members to discuss?
 4 MS. COOKS: No, sir.
 10:08:08 5 MAYOR LICASTRO: Anyone from the general
 6 public?
 7 MS. MEADE: Yes, Mayor, I have a
 8 comment.
 9 MAYOR LICASTRO: Identifies yourself,
 10:08:15 10 please.
 11 MS. MEADE: This is Pat.
 12 MAYOR LICASTRO: Proceed.
 13 MS. MEADE: Hi. I would like to review
 14 the criminal files, the checks and the public
 10:08:26 15 record requests before they get destroyed or sent
 16 to be destroyed, please.
 17 MAYOR LICASTRO: Anything else?
 18 MS. MEADE: If somebody could coordinate
 19 that with me, that would be helpful.
 10:08:48 20 MAYOR LICASTRO: Okay. Anything else?
 21 MS. COOKS: I'll be sure to coordinate
 22 that with you, Ms. Meade.
 23 MS. MEADE: Thank you, Ms. Cooks.
 24 MS. KREINER: Mr. Matty, I have a
 10:09:00 25 question regarding that.
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1 MR. MATTY: Yes.
 2 MS. KREINER: So if a public record
 3 request is made regarding those files, then that
 4 falls under the fact that then does that move
 10:09:09 5 them to the public record retention schedule, so
 6 does that count that we have to retain them for
 7 the additional period of time?
 8 MR. MATTY: No, you have to retain them
 9 so that Mrs. Meade-Kesselem can review them.
 10:09:28 10 After she reviews them and has whatever copies
 11 she so desires, then you can begin your process
 12 with the Historical Connection.
 13 MS. KREINER: So when does that start?
 14 When does that process start, after they are
 10:09:46 15 reviewed?
 16 MR. MATTY: Yes.
 17 MS. KREINER: Do I hold off on sending
 18 the RC3?
 19 MR. MATTY: Yes.
 10:09:53 20 MS. KREINER: Okay.
 21 MR. MATTY: And I would just ask Fiscal
 22 Officer Cooks to arrange that viewing as soon as
 23 she can so that we don't have a long delay here.
 24 MS. COOKS: So noted.
 10:10:11 25 MR. MATTY: Thank you.
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1 MS. KREINER: Yeah, I just have to
 2 advise that on the public records for Court,
 3 there will be a lot of redactions that will be
 4 involved, because a lot of the public records
 10:10:24 5 that I deal with, I have people socials and
 6 personal identifiers on them and/or will have to
 7 be sorted through, which I kind of already do,
 8 because they're also client/attorney privileged
 9 communications.
 10:10:43 10 MR. MATTY: Then Mrs. Kreiner, I know
 11 that you know the rules, but if you have any
 12 questions, please consult Mr. Marong before you
 13 produce such documents. Thank you.
 14 MS. KREINER: Yeah, you're welcome, sir.
 10:10:59 15 Along with the case files, they'll have to be
 16 redacted, also.
 17 I don't know if this is the time to
 18 bring it up, Mayor, but I'd like to add something
 19 to my record retention schedule, to our record
 10:11:11 20 retention schedule for the Court. Are we at that
 21 part of the meeting yet or is that all right?
 22 MAYOR LICASTRO: Please proceed.
 23 MS. KREINER: Okay. So we have cases
 24 that accumulated over the years, which we called
 10:11:24 25 remand cases, which are cases that we don't hear,
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1 the police remand for Cleveland Municipal Court.
 2 We send our original two-part ticket to them,
 3 along with all the filings that go, then it
 4 becomes a Cleveland case. Some Courts call them
 10:11:45 5 pass-through cases, we call them remands, but we
 6 have accumulated probably, I don't know, 10 years
 7 worth of old CMC/OVI/traffic tickets that are
 8 Cleveland's cases for intents and purposes. We
 9 just keep a copy of what we send them.
 10:12:14 10 I've contacted other clerks. Other
 11 clerks have identified to me that they all on
 12 their record retention schedules have what's
 13 called a pass-through destruction, where because
 14 it's really just technically a copy of what you
 10:12:30 15 send down to Cleveland, it's really not your
 16 case, it's held down in Cleveland. These are not
 17 transferred cases. These are cases that are
 18 specifically written for Cleveland under our
 19 either state or local codes.
 10:12:46 20 I've gotten a couple of samples, one
 21 from Independence and one from -- Garfield
 22 Heights uses the same as Independence, where they
 23 allow the Court after one year to destroy those
 24 duplicate records, because they consider them as
 10:13:06 25 duplicate records. And they don't require that
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1 -- an RC3 is not required to do so, because
 2 they're duplicate records and the case is not
 3 heard in our Court. It's a pass through. Our
 4 Court is just really a pass through to get it
 10:13:23 5 down to Cleveland.
 6 So I have a sample, which has been
 7 vetted, I guess, in a couple different Courts and
 8 they use it. And I would like to propose that we
 9 use that so those boxes of files that I have kept
 10:13:41 10 I can move forward and just, you know, get rid of
 11 all this duplicate paper that we have sitting
 12 down in the records room.
 13 MAYOR LICASTRO: You're recommending we
 14 make a change to our retention policy to include
 10:13:59 15 these documents?
 16 MS. KREINER: Yes. I would like to add
 17 an item for the Courts. I have some -- I mean, I
 18 can send the verbiage to whoever I need to send
 19 it to. And I don't know who would review that
 10:14:14 20 then, Mayor, so that's where I'm at.
 21 MAYOR LICASTRO: I'm sure it would be
 22 Mr. Matty. Mr. Matty, the process to amend or
 23 revise our retention schedule, would you describe
 24 that for us, please.
 10:14:27 25 MR. MATTY: I believe we have to be in
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1 line with whatever the requirements are. And Ms.
 2 Kreiner, I believe if we pass the motion, we need
 3 to send that to the Historical Connection for
 4 approval. That would be the process.
 10:14:44 5 My suggestion would be what you have to
 6 show us, please send today to Mr. Marong and I
 7 will have him review immediately what you want to
 8 do. If we pass a motion today, then he can
 9 review what you're intending to do. Let me ask
 10:15:03 10 you this: Are the Courts that you spoke of by
 11 Independence and Garfield Heights, are those
 12 other Mayor's courts?
 13 MS. KREINER: Yes. Independence is a
 14 Mayor's court. And they actually send it down to
 10:15:19 15 Garfield Heights.
 16 MR. MATTY: Okay.
 17 MS. KREINER: And Garfield Heights kind
 18 of reciprocated, said they have kind of the same
 19 -- from what I understand from the clerk in
 10:15:29 20 Independence, they kind of have the same item
 21 listing. If they have some duplicate case that
 22 got to theirs, it's a pass-through case, they
 23 would then destroy that duplicate case based on
 24 their schedule of destruction.
 10:15:48 25 MR. MATTY: And Mrs. Kreiner, do you
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1 have a new number for that item?
 2 MS. KREINER: Yes.
 3 MR. MATTY: If you'd please forward that
 4 and we'll get it reviewed and on its way if the
 10:15:57 5 commission makes such a motion.
 6 MS. KREINER: Okay. And I just have one
 7 question. I kind of crafted the verbiage used,
 8 just kind of -- they use pass through, but pass
 9 through is remand. What would your
 10:16:13 10 recommendation be? Should I put both of them in
 11 there, that terminology, and then as we hear --
 12 MR. MATTY: What do you use?
 13 MS. KREINER: We use remand.
 14 MR. MATTY: I would use the word remand
 10:16:26 15 and in parentheses after that pass through. So
 16 both are listed just in case the Historical
 17 Connection keeps them one way or another, they'll
 18 understand what you're trying to do.
 19 MS. KREINER: Okay.
 10:16:40 20 MAYOR LICASTRO: Thank you for that
 21 explanation. We need a motion from this
 22 committee to amend our retention schedule policy
 23 to include the documents mentioned by Ms.
 24 Kreiner. Is there such a motion?
 10:16:53 25 MS. COOKS: I so move.
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1 MAYOR LICASTRO: All in favor of the
 2 motion?
 3 MR. MATTY: Aye.
 4 MS. COOKS: Aye.
 10:18:00 5 MR. DEWS: Aye.
 6 MAYOR LICASTRO: We stand adjourned.
 7 Thank you for your time.
 8 MR. DEWS: Thank you.
 9 (Meeting adjourned at 10:18 a.m.)
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1 MR. MATTY: I'll second it.
 2 MAYOR LICASTRO: Discussion? This will
 3 be pending review of our Law Director and Mr.
 4 Marong and, of course, the Ohio Historical
 10:17:07 5 Connection as well.
 6 MS. KREINER: Thank you.
 7 MAYOR LICASTRO: All in favor of the
 8 motion?
 9 MR. MATTY: Aye.
 10:17:14 10 MR. DEWS: Aye.
 11 MS. COOKS: Aye.
 12 MAYOR LICASTRO: Anyone opposed? Thank
 13 you.
 14 MS. MEADE: Mr. Mayor?
 10:17:23 15 MAYOR LICASTRO: Any other business for
 16 us to consider?
 17 MS. MEADE: Yes, Mr. Mayor, it's Pat.
 18 If I could add that group to my previous request
 19 list, so that 10 years worth of documents to
 10:17:35 20 review as well. Thank you.
 21 MAYOR LICASTRO: Anyone else? There
 22 being no other business, I need a motion to
 23 adjourn, please.
 24 MS. COOKS: I so move.
 10:17:56 25 MR. MATTY: Second.
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1 CERTIFICATE
 2
 3
 4 I, Nancy L. Molnar, do hereby certify that
 5 as such Reporter I took down in Stenotypy all of
 6 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.
 13
 14
 15
 16 *Nancy L. Molnar*
 17 Nancy L. Molnar, RPR, CLR
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