

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
HELD ON TUESDAY, SEPTEMBER 17, 2024**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGE COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. A RESOLUTION PROCLAIMING THAT ALL FLAGS FLOWN IN THE CITY OF BROOK PARK BE MADE IN THE UNITED STATES OF AMERICA AND DECLARING AN EMERGENCY. Introduced by Council as a whole.
3. AN ORDINANCE RETAINING AND EMPLOYING THE ALEX N. SILL COMPANY, LLC LOSS CONSULTANTS AND APPRAISERS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**IV. ADJOURNMENT:**

**ITEMS TO BE CONSIDERED  
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HELD ON TUESDAY, SEPTEMBER 17, 2024**

The meeting was called to order by Council President Salvatore at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

**TROYER, ROBERTS, DUFOUR, POINDEXTER, MENCINI, McCORKLE, SCOTT**

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director McGann, Service Director Beyer and Engineer Piatak.

**DISCUSSION:**

1. 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 FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is a housekeeping item done annually and mentioned this is time-sensitive needing approval by the end of September.

Mr. McGann stated the tax rates have remained unchanged for the last 50 years with 3.85% to the General Fund; 3.2% to the Police and Fire Pensions and 3.2% to Southwest General Health Center.

Mr. Dufour asked Mr. McGann with the re-evaluation of properties the city will get roughly a \$470,000.00 windfall, correct?

Mr. McGann concurred and mentioned based on the county figures.

Mr. Dufour continued with the Southwest General hospital levy of roughly \$130,000.00 would it be possible to provide property relief to the residents; by zeroing (\$0) that out and paying out of the General Fund.

Mr. McGann responded would have to look into that have never seen that situation previously. If that would be done it would probably save homeowners' \$10.00 to \$15.00 based on a \$100,000.00 evaluation of the home.

Mr. Dufour commented roughly \$30.00 a year for many people.

**Motion** by Mr. Poindexter, supported by Mr. Dufour, discussed.

**ROLL CALL: AYES:** Poindexter, Dufour, Roberts, Troyer, Mencini, McCorkle, Scott

**NAYS:** Unanimous.

**Discussion: cont.**

2. A RESOLUTION PROCLAIMING THAT ALL FLAGS FLOWN IN THE CITY OF BROOK PARK BE MADE IN THE UNITED STATES OF AMERICA AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Troyer stated Senator Brown brought this forward at the national level.

**Motion** by Mr. Roberts, supported by Mr. Dufour, discussed.

**ROLL CALL: AYES:** Roberts, Dufour, Poindexter, Troyer, Mencini, McCorkle, Scott  
**NAYS:** Unanimous.

3. AN ORDINANCE RETAINING AND EMPLOYING THE ALEX N. SILL COMPANY, LLC, LOSS CONSULTANTS AND APPRAISERS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated tornado cleanup continues by working with the Emergency Management Agency of Cuyahoga County and the State of Ohio; to recover any funds that are not insured by the city's insurance company, Selective Insurance. The administration continues to work with the city's insurance company to reclaim all the dollars to repair damaged equipment at the community and recreation center. Speaking with many companies in the region, Sill Company, by far, was the best recommended company to assist with claim recovery and becoming the solutions company for all of that in the city. Basically, what Sill does is work with the insurance companies to recover as much as possible for the insurer. Mayor Orcutt introduced Jaeson Taylor from Sill Company.

**Motion** by Mr. Troyer, supported by Mr. Roberts, to go out of the regular order of business.

**ROLL CALL: AYES:** Troyer, Roberts, Dufour, Poindexter, Mencini, McCorkle, Scott  
**NAYS:** Unanimous.

Jaeson Taylor  
Vice-President, Alex & Sill Company  
6000 Lombardo Center  
Cleveland, OH

Mr. Taylor stated the Sill Company documents all claims; uses all resources with building estimators; contents and equipment appraisers as well as CPAs on staff. I am an attorney as well as the President of Sill Company and avoid any kind of landmines seen in the policy. Our company puts everything in the insurance language to get the city paid more and faster. The tornadoes that came through is an unforeseen incident and Sill Company specializes in these types of claims all over the country, more importantly in Ohio.

**Questions:**

Mr. Mencini thanked him for including the fee schedule. On a situation such as the city's how is this looking? Will it be a long-time frame or wrapped up quickly? Just a basic idea since the recreation center has been closed for two (2) months.

Mr. Taylor responded to give an idea as to what Sill Company does, Mr. Taylor gave an idea as to what the company does. As soon as Sill Company is engaged their team begins working immediately by getting notice out to the insurance company which puts them on notice that a public adjuster is working on the claim. What the insurance company does immediately is raise their reserves and no they can't sit back and wait. Right now, insurance companies are inundated with claims across the county, more than likely, and sitting back and waiting. Our company pushes the claim by getting our estimate together as fast as possibly can. On the building it will take less time than the contents and the equipment and depending on how much is involved the estimate can be given to the insurance within a month or less. Obviously, our company's goal is speed but also want to make sure the detail is right because everything must be properly detailed for the insurance company to get paid.

Mr. Mencini continued insurance companies are telling residents no what happens if that comes down to this.

Mr. Taylor clarified on a claim like this if the insurance companies says no.

Mr. Mencini responded more or less.

Mr. Taylor continued as far as getting things done quickly and dealing with the 'no's' the insurance company's first answer will always be 'no' on everything. When there is the backing of a company in business for 96-years and have the knowledge of all former industry insurance adjusters, staff people, CPAs and forensic accountants, etc. know the cuts insurance companies like to make. Sill Company knows how to present properly to avoid any delays and some of those 'no's'.

Mayor Orcutt stated to Mr. Mencini that both the service and recreation directors have been working extremely hard getting multiple quotes for broken glass and bad roofs. The city is willing to work with Sill Company immediately and one thing noticed in turning these in is directors seem to be working much quicker than the adjusters that came out from the insurance company. The insurance adjusters came out to look at the roofs, structures, city parks, Heating, Ventilation & Air Conditioning (HVAC) and are still waiting for reports, which doesn't seem to be moving that quickly. That is the reason the city is asking for assistance and looking at the fee schedule if Sill Company is able to get



**Questions: cont.**

\$550,000.00 or less for the City of Brook Park in claims. The fee is ten-percent (10%) and if the amount is \$3 million-dollars or above the charge is 7.5%.

Mr. Taylor commented correct and that is on the entirety of the claim.

Mr. Troyer thanked Mr. Taylor for coming. My question is, for whatever reason, the city receives a firm 'no' on a big-ticket item; being an attorney would your company be taking to court?

Mr. Taylor responded typically our company does not get involved in the litigation on a denial. Reason being there are appearances of impropriety and don't want to be in the mix. However, I will say that our claims don't go to litigation typically. It is very, very rare and weird circumstance. Don't foresee that happening based from what I've seen so far and what I've seen in the policy. Would like to thank Mayor Orcutt for bringing up the work that has been done it's a fantastic foundation and believe by having that information this can be knocked out of the park. I don't anticipate 'no's' but litigation is not something our company handles.

Mr. Troyer continued my concern first is why is this being done, on the city's side but you know why to do this. Another concern is what is the current situation and with the ten-percent (10%) is that being paid on something the city would have been paid for anyway?

Mr. Taylor responded our clients see an increase of the amount of money from the insurance company. If clients try to handle a claim on their own they usually will get \$.50 to \$.60 on every dollar; meaning if the city gets \$100.00 on the claim the city gets 50.00 to 60.00. That more than covers Sill Company's fees and the city will have additional money and additional time it takes away with our company handling everything. One thing I did not mention is anything that goes out i.e. estimate would be presented to the city for review and let it go to the insurance company. Will say, first in wins, Sill Company wants to get the estimates as quickly as possible because don't want the insurance company to come in at that \$50.00 or \$60.00 on every \$100.00. Also, want to affect that set aside reserve number from day one (1) so as soon as Sill Company is put on the reserves go up; so, it would be more money, shorter timeframe and less headaches for the city.

Mr. Troyer stated to Mayor Orcutt what, if anything, is the insurance company refusing to pay; what is the current situation; what is the insurance company agreeing to pay, at this point? Commented would like some written information on the transactions or back and forth with the insurance company.

**Questions cont.**

Mayor Orcutt responded to Mr. Troyer, why we are is the administration had a crane in the air less than two (2) hours after the tornado and haven't stopped; continue to gather information and estimates. The insurance company has flown people out from different countries and when the administration thinks they are meeting with them they are short on time. When the administration wants to take these people to different (damaged) areas of the city we are told by them that they've already assessed those areas. These people are walking American Legion Park and asking to go on the roofs by themselves, not saying these people are not acting in good faith. But, the administration has an understanding of what is actually damaged and think it can be done more efficiently with the administration present. The administration continues to feed the insurance company estimates and information and to date; six (6) weeks later the only thing that has been approved for replacement is ceiling tiles in the community center. With Sill Company having the backgrounds for insurance claims and the city not having that experience the city is better with utilizing experts to recoup as many dollars as possible. Obviously, no one works for free, the fee schedule is attached to the legislation and let's use the example the city only gets \$500,000.00 to repair the damaged buildings, equipment and so forth. This company comes in and is able to get the city \$1.5 million-dollars I would take that over the \$500,000.00, that is where the city is currently.

Mr. Poindexter thanked Mr. Taylor for coming and my question is having heard estimates of \$5 million to \$7 million-dollars , which according to the fee schedule would put the city in the estimate of fees around \$3 or \$4 million-dollars. My concern is if the city is getting money to repair damaged items during the storm and your fee comes out of that I don't want that coming out of the budget from something that the insurance company should have been made whole, right?

Mr. Taylor concurred.

Mr. Poindexter asked Mr. Taylor to speak on that.

Mr. Taylor responded insurance and construction dollars are very different and have to know how to submit the claim to the insurance company. The insurance company will come back to the city and let's say using a round-off number of \$5 million-dollars. The insurance company will come back to the city with an estimate of \$3 or \$4 million-dollar estimate Sill Company will get the city to that \$5 million-dollars and somewhere there is a bid for the \$3 or \$4 million-dollars to get that; the city after paying our fees will be ahead of the game. Again, the time value of money to take the burden off the city I have every confidence that our company can knock this out of the park. Sill Company's average is a 40% to 50% increase over what the city would be able to get on their own. A lot of companies will do the wait and see approach and then the insurance company digs in their



**Questions: cont.**

heels with a cost of \$3 million-dollars, the insurance company is staying at that price. May get the insurance company to \$3.5 million-dollars but Sill Company's goal is to get the city to \$5 million-dollars; Sill Company wants to get the city what it deserves to rebuild.

Mr. Dufour stated to Mr. Taylor with the leg work the city has done so far will save some time, in getting to the point, of recovering money. My question is can that work done, so far, be used or will it have to be redone?

Mr. Taylor responded some of the work will have to be redone to be put into insurance company language, number one (1). Number two (2) there are going to be items as thorough as the administration was if the city doesn't know the insurance company industry it's going to be difficult to catch everything. Sill Company will catch everything and there will be additions made to it and modifications to make sure it is going into the claim the correct way. Will say the work the city has done I was impressed.

Mr. Dufour commented it's a good start.

Mr. Taylor responded it's a great start.

Mr. Poindexter stated assuming the city is in the \$5 million-dollar range the fee would be 7.5%. In the contract it says the city will be billed at 8.75% what happens there?

Mr. Taylor responded what ends up happening is the city will have intermittent payments, won't happen all at once. The building may get paid before the equipment or vice-versa, example the ceiling tiles were paid. The city will have intermediate checks and as those checks come in Sill Company invoices at 8.75% until a spot is reached that it will be over that amount and corrected at the end.

Mayor Orcutt stated what the city has reported to Emergency Management Agency of Cuyahoga County and Ohio Emergency Management is around \$8.4 million-dollars' worth of estimated damage and overtime uses for different departments. Obviously, the service department is a big portion of that money and will continue to be a big portion of that money. The idea with this is anything the city pays for extra to return to normal whatever isn't covered under insurance. The city is going after emergency dollars and their fees will be put under a line-item.

Mr. Troyer asked Mayor Orcutt has the insurance company eluded or said, in anyway shape or form, made you think they would not insure the aquatics roof?

**Questions: cont.**

Mayor Orcutt responded no, the communication with the insurance company has been consistent but they have not made any approvals, except for the ceiling tiles.

Mr. Troyer commented the insurance company hasn't denied any claims.

Mayor Orcutt responded no; the insurance company has not denied anything; that is the reason to get the professionals for the city.

Mr. Salvatore stated to Mr. Taylor your company doesn't get paid until things with the city are accomplished.

Mr. Taylor responded correct; we don't get paid until the city does.

Mr. Salvatore commented time is of the essence so that your company gets paid and the city gets a settlement.

Mr. Taylor responded trust me our company wants to get paid as quickly as possible but will not sacrifice any low-hanging fruit; will get the city every dime (\$,10) entitled.

**Motion** by Mr. Troyer, supported by Mr. Mencini, discussed.

**ROLL CALL: AYES:** Troyer, Mencini, McCorkle, Scott, Roberts, Dufour, Poindexter

**NAYS:** Unanimous.

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

**ROLL CALL: AYES:** Troyer Roberts, Dufour, Poindexter, Mencini, McCorkle, Scott

**NAYS:** Unanimous.

Council President Salvatore adjourned this meeting at 7:34 p.m. and stated the Council meeting will begin at 7:39 p.m., due to five-minute recess.

RESPECTFULLY SUBMITTED

  
Carol Johnson  
Clerk of Council

APPROVED *November 6, 2024*

THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.