

**Village of Mapleton**  
**SPECIAL BOARD MEETING MINUTES (APPROVED)**

Mapleton Village Hall, 8524 Main St.

25 September 2017 at 6:00 p.m.

*Meeting to be recorded*

- I. Call to Order at 6:00 pm by Mayor Carl Bishop
- II. Pledge of Allegiance
- III. Roll Call
  - A. Present: Carl Bishop, Mayor; Trustees: Mark Brining, Alice Dailey, Liz Rench and Brad Rusterholz. Absent: Mike Beecham  
Also present, Pat Briggs, Clerk.
  - B. Hiring of village attorney
    1. A discussion about the firms being considered and the decision not to hire the single practitioner.
    2. The board discussed the merits of Benckendorf & Benckendorf and stated they had done previous work for the Village.
    3. Alice read a statement by John Redlingshafer from Heyl Royster, that had been agreed upon by the trustees at the last meeting that the mayor thought was a conflict of interest due to their representation of the Village of Kingston Mines. A copy of the statement will be attached to the minutes and will be available for viewing after minutes are approved. He refused to work with us, stating that it isn't in the best interest of the village or their firm to represent the village with the board and mayor in conflict.
    4. Mayor Bishop asked about cost of Benckendorf & Benckendorf. Alice stated the charge is \$200/hour for both of the remaining attorneys being considered. Alice read the agreement that Benckendorf & Benckendorf stating they came up with a retainer agreement almost similar to what we had with Mr. Connor, \$1350 month and \$200/hour for matters requiring litigation or research. (copy attached). Mayor stated that almost all municipalities have this type of agreement. Alice said Miller, Hall & Triggs would not set up a retainer.
    5. Benckendorf will give us a 6 month trial, and if things don't work out we can be released from the contract. Alice pointed out we will use the retainer amount a lot in the beginning because we have so many questions. They also said they could give us a whole new set of ordinances.

Mayor said the attorney for Benckendorf told him you hire attorneys when you need them, not having them on a retainer. Mark Brining said they will be at the meetings to answer questions and to clarify.

Liz Rench made a motion that we hire Benckendorf & Benckendorf to represent the village. Mark Brining seconded.

Voting: Mark Brining, Alice Dailey, Liz Rench - YES. Brad Rusterholz – NO. Mayor did not agree but signed the contract stating that he would have to appoint the firm. More discussion about appointment isn't something you do with a hired firm.

Motion passed.

Discussion continued about charges. Anything they can answer without researching will not cost. Alice recommended that the clerk be the point person to contact the attorney with questions but the mayor stated that the point person will be the mayor, and no one else. Liz Rench made a comment that the Mayor works all the time and that makes it difficult to communicate with an attorney but the mayor asserted that he will be the point person.

A resident confronted the Mayor about the difference between hiring and appointment and was ordered to be quiet, that a meeting was in progress. A shouting match ensued with the mayor saying she would be fined and trustee Brad Rusterholz said he was issuing her a fine and she continued to try to speak. The mayor ordered her to leave and he left the room to call the police to have the resident escorted from the building. The resident left.

**IV. Adjourn Open Session**

A. Alice Dailey motioned that the meeting be adjourned. Liz Rench seconded.

**V. Meeting adjourned at 6:15 PM**

Minutes transcribed by Patricia S. Briggs, Village Clerk

Approved April 11, 2018 by the President and Board of Trustees of the Village of Mapleton