

Minutes of the Ordinance Committee Meeting  
**Sheffield Lake, Ohio**  
September 10, 2009

The regular meeting of the Ordinance Committee was held Thursday, September 10, 2009. Chairman Eric S Elliott called the meeting to order at 7:18 PM.

**ROLL CALL OF MEMBERS:**

Present: Elliott, Bring, Huska

Attending: Law Director Graves

**READING OF THE MINUTES:** \*Motion by Bring/Second by Huska to approve the minutes of the June 4, 2008 meeting with any corrections. Yeas All.

**PRESENTATIONS: None.**

**CORRESPONDENCE: None.**

**OLD BUSINESS:**

***Ordinance Review*** – still under review.

***169.01 full-time bargaining bond dollar amount; revision*** – Law Director is still working on.

***Recommendations from Planning Commission*** – still working on.

***Sewer credits; authorize Roads & Drains*** – **REMOVE.**

***Prohibiting dogs being restrained in front yards and possible violation increase*** – **REMOVE.**

**NEW BUSINESS:**

***Update refuse code*** – Chairman Elliott asked who brought this up? Law Director Graves advised I believe Mr. Bontempo raised the issue at one Council meeting. Chairman Elliott advised I think his concerns were like for senior citizens in the winter when it gets darker like around 5 and a lot of senior citizens don't like to go out. Mr. Bring joked actually I put mine out about 5:30 today. Law Director Graves explained a lot of people put it out, I mean if you are going out of town – if I am going out of town and I am leaving on Wednesday and I sit my trash out before I leave in bags because it is going to be picked up Friday morning. I mean it happens you know. There are people that consistently put trash out way too early and it ends up blowing around the community. Mr. Bring stated actually this week I saw 2 houses that had it out on Monday or Tuesday, right after the holiday or something. I think they were moving out of the house and they threw everything out, what are you supposed to do. Chairman Elliott asked what are your thoughts, move it back to the 24-hour rule? Mr. Bring answered I think so, that is the way it

was before I know that. But I know they changed it to 6 pm and I think we had a couple of wind storms and stuff got blown around but that doesn't happen very often and if we get these new containers I think you are going to eliminate a lot of this stuff blowing around. Chairman Elliott advised well we can go 7 am Thursday morning, that way it is not out overnight for the dogs and animals to get in. Law Director Graves advised 965.02b; no individual, corporation or other entity shall cause any container described in subsection (a) to be placed to be accessible to and for collection on the days designated by the Director of Public Services as collections days for the premises at any times save and except as follows: From 6:00 pm of the night before the day designated for collection on said premises until 6:00 pm on the day designated for collection for said premises. He continued so it is 24-hour window, from 6 pm the day before to 6 pm the day of and that was passed in March of 1994. Chairman Elliott stated I just say we just go to 7 am and Mrs. Huska concurred. Law Director Graves stated right now you have a situation if Wendy drives around Thursday afternoon at 2 o'clock anybody with trash out is going to get a letter. We have a lot of people that we should be thankful that they are putting their trash out, there is people that let trash pile up in the yard and whatever – if you are making an effort to put your trash out, should you be cited for putting it out too soon. Law Director Graves to amend 965.02 for next Worksession for three readings. There was a brief discussion regarding time to remove containers after and it was felt it should be left same – 6:00 pm. Law Director Graves advised I just noticed that if we go to this Allied Waste program, we are going to have to amend 965.03 which says no penalty shall be charged any resident of the City by reason of his placing any number of containers for collection on any one collection day, and no per container charge shall be charged. Law Director Graves stated why don't we wait and see if the program is implemented. The Mayor had a nice productive meeting with Dave Kidder and hopefully going to come back to Council soon with an alternate proposal and make the program go city wide. Chairman Elliott advised I think we should just go city wide, I don't like Rick's idea at all of just going to the recycling. I think you might as well go the whole 10 yards and get it done. Law Director Graves advised I like that idea if I am going to do this I want the green one to throw the recycles in. I don't want to be using this and then the blue bags. Mr. Bring stated that way you are not going to have bickering and everybody is going to be on the same page. The guys aren't going to have to worry about am I on the right street or am I not on the right street. Chairman Elliott stated we are going to end up doing this anyways. I think we are all in agreement here that eventually the whole city is going to be doing it. Mr. Bring stated it will make it uniform and look better. You get one weekend for overage and you get 2 Pride Days a year. There was a brief discussion on the containers and the option offered by Mr. Kidder that if there is a need for 2 or even 3 containers by a resident then they would get them. Chairman Elliott stated I like the idea of having a dumpster out here under restricted hours

where they can actually see what you are throwing out. Like you said if it excessive, if you had a lot of yard brush or something that you just want to get rid of that is a good way to do it. Law Director Graves asked what do mean, not charge. Right now you can use the dumpsters – you have to pay a fee and then Pride Day is when you can dump. Chairman Elliott stated I think that is what they are talking about is actually opening those dumpsters up, what is the charge now? Mr. Bring stated like anywhere from \$17 to \$25. Chairman Elliott asked maybe what we could do is lower that fee down. Mr. Bring stated the problem is when you start filling those things up is those dumpsters costs a lot of money. He explained I took half that house over there and put it a truck and brought it over here and I think I made 15 trips but it was worth it. I don't think anybody is complaining about the costs of what they are charging. Chairman Elliott stated I don't think that a lot of the complaints that they are bringing forth holds water to me, I just don't see it. At first my street was one of the streets that were supposed to go up and I all for it, absolutely bring it on. Then when they eliminated my street I was disappointed but I still felt that the program was worth while. Law Director Graves stated Dorothy Wisnieski she attends a lot of meetings – she came in one day and she was concerned and she is a senior citizen. She is concerned about being able to manage those and I said well come on in, why don't you take a closer look. She took it and wheeled it and she said this is really easy. Like Kidder said it is like a dolly, I mean you can roll those pretty easily. Chairman Elliott stated I hope we do implement this city wide, that is what I want. Mr. Bring advised it would save a lot of confusion. Chairman Elliott stated we are eventually going to do this anyway so I think what we are doing is saving ourselves heartache down the road because when you do go city wide we are going to pack this place again. Mr. Bring stated I firmly believe if we do Allied will be more friendly to us when it comes to Pride Day because we have already implemented this program 2 years ahead of time. Chairman Elliott asked has he reacted favorably to this do you know – Kidder? Law Director Graves answered like I tonight they want to go city wide, they would rather do city wide because then they can have trucks going on each side of the city. I think they would prefer to do it city wide. Chairman Elliott stated I mean if they implement especially the recycling program here I think that more people will recycle. I would probably sit mine out every 2 weeks but I am going to recycle actually more then what I am doing now if I get that bin. Law Director Graves advised I will be honest with you one of the main reasons I don't recycle is because I don't want to deal with the little blue bags. Mrs. Huska stated I am glad I am not the only one that doesn't recycle. Chairman Elliott stated we do, we have kids in school teach those kids in school that you got to recycle, got to recycle. Law Director Graves stated but if we did the big green bin then it is so easy, as you are throwing your trash away the recycle stuff goes in there. Mr. Bring stated in 1985 Germany insisted that country wide that you recycle, not only do you have to put your cans but you have to take the brown bottles and put the

brown bottles in there. When they take out their garbage their garbage is like this big – everything else is recycled for the whole country. Law Director Graves asked what did he say we are still at like 1% of what we should be? Chairman Elliott stated actually if you really look at what you can recycle like food waste – that can be recycled. Mr. Bring stated I put those in the garden. I take the cardboard over to Bay Village but I guess there is one over in Avon now or some place else.

Chairman Elliott stated I think there is one in Lorain now too somebody was saying. Law Director Graves stated but what he is going to want to recycle is just like the aluminum, glass. Mrs. Huska stated but we can throw it all in there, we don't have to separate it. Chairman Elliott stated I think he was saying before too that you can throw old cereal boxes in there too and they will recycle that. I guess with this new program they are going to dump that all in the truck and then sort it. Even phone books and old magazines I think you can throw in that too. There was a brief discussion. Mr. Bring stated we need to recycle everything.

**Water base rate increase** – Chairman Elliott stated Dennis and I talked about this and I think our best course of action because it seems awful confusing. I went back in the minutes and Bill originally moved to raise the water rate from anywhere 5 to 25 cents per unit and this is based on 5 - 7 units. Now they want to go a full \$2.00. Law Director Graves asked what year is those minutes? Chairman Elliott answered this is 2007, this is when it was first implemented. Law Director Graves stated that \$2.00 increase was passed in 2005. Chairman Elliott stated we are just talking about repealing it all together and just having them bring it back and renewing it; telling us where the money is going and that kind of thing. Everybody seems to be on a different page here. Law Director Graves stated it is up to you, I don't feel strongly about it one way or the other. I would agree that more information is needed, from Bill as to the original intent and Joe as to the need right now for that money. It was unanimously passed in 2005. Chairman Elliott stated it hasn't really never been implemented. Law Director Graves answered yes it has. Chairman Elliott stated what we need to do I think in my opinion is repeal it and start from the ground up. We need a better definition of what is needed if at all, if there is changes needed where is this money going? So I think our recommendation, basically Council at Worksession and get Councils opinion on it – Council as a whole. He asked Diane are you on Board with this, this thought process? Mrs. Huska answered I have been thinking about it. Chairman Elliott asked are you against repealing it and just starting from the ground floor up? Mrs. Huska answered I am not against repealing it but I thought it should be passed based on remembering what happened a couple of years ago. Chairman Elliott stated basically what this is is we want clarification of where this money was going and if there is actually a need to increase water rate. My recommendation and I guess you are on Board with this Dennis as we talked about this, is to make a recommendation to Council as a whole to repeal this and start from the ground floor up. Mrs. Huska stated go ahead and see what they think. Chairman Elliott

stated from there we will go and Dave you will have your answer that night for sure. Then we will just forward it and then Joe can go ahead and start making plans on trying to sell it. Mr. Bring stated it is probably going to be a 3 reading thing anyway. Chairman Elliott advised speaking with Rick and Alan who both seemed to have concerns about it too. Just basically where is the money going. There was a brief discussion on past discussions, possibilities and where money would be going.

***Jail sharing*** – Law Director Graves advised this is a proposed agreement to allow the Village of Sheffield and this actually came up in conversations with Craig Bruschan who is now the Magistrate for both communities. In the Village they have a lot of problems with individuals who don't pay their fines, you are talking about speeding tickets minor stuff in the Village Mayors Court and all they can do is keep bringing them in and yelling at them and ultimately suspending their drivers license. What tends to work pretty well is to hold them in contempt, incarcerate them for what usually amounts to a couple of hours, bring them back in and say okay have you found your check book yet – that kind of thing. I talked to the Magistrate again today because he had a couple of people in Mayors Court today, is not the regular day but they were here. He said to reassure Council that he anticipates it being a very rare occurrence and that this isn't going to be a regular thing. It is not something where he is going to be sentencing Village prisoners to the Sheffield Lake jail. It is designed for more of an eye opener kind of thing for no longer than 24 hours, probably wouldn't more than 6 or 8 hours. So that is what it is designed for, in writing this I talked with the Chief of Police, Captain Komlosy and went over of any potential issues that they saw. They confirmed that it would not affect our classification for our jail which is always a concern to make sure that we can remain grandfathered as a 12-day facility and so we wrote the language in there that I thought was pretty protective of the City of Sheffield Lake, pretty lenient toward our side of it. The Village has already passed this, so if we go through it; temporary confinement/up to 4 male offenders/unpaid fines/maximum 24-hours at which time they will brought back before the Magistrate/the Village is going to provide all the transportation/they will call Sheffield Lake Police prior to verify availability/our prisoners have priority in the event that any Village prisoners has to be bumped – the Village will come and remove their person/the Village is going to reimburse the City of Sheffield Lake for any meals that we have provide their prisoners/no Village of Sheffield prisoners have any serious pre-existing medical conditions shall be confined/the Village is going to defend and hold the City harmless against any claim or loss or injuries suffered by a Village prisoner while incarcerated in Sheffield Lake jail. Either party can terminate the agreement upon 30 days notice to the other side. So that is pretty much it. Now the Chief has written a policy that they have already put in place ready for this. Chairman Elliott asked Law Director Graves to give a brief review of policy. Law Director Graves reviewed policy by Chief Shepherd.

Chairman Elliott advised one of my concerns is that we are pulling our guy off the road to book in one of their people. I asked on average how long the booking process for one individual and you can anywhere from 25 minutes on up to an hour and 15 minutes depending on the guy. Now let's say they bring in 3 or 4 guys, that is going to pull a guy off at least a shift. We are pulling off of our road for 1 of their prisoners which is one of my concerns. One of my other concerns were, what day is Mayors Court usually in Sheffield Village? Law Director Graves answered I am not sure. Mr. Bring asked is this only on those days or could it be anytime? Law Director Graves answered I would anticipate it being on Mayors Court day and they have it during the day. Mr. Bring stated we should have that defined and in writing so we know that if need be the police that are out there maybe getting called or whatever. Chairman Elliott stated I think as for Sheffield Village, I think somehow we need to improve the actual booking process. In other words if they could book in their own people and this with all the information in hand that way that way it is very a nominal what we have to do. Maybe cut the booking time down to at least 4 or 5 minutes so it is very nominal when we are spending time with one of their prisoners because we pay these guys to patrol the streets and not sit in here and book one of their guys in. I also want something in writing from the Fire Department that if there is a medical/no-medical emergency that their going to come pick this guy up. Law Director Graves answered I don't know about that, I think there is potentially a difference of opinion. Chairman Elliott stated as far as that goes if we do end up having to transport one of their guys to the hospital, who is going to pay that final bill – it is going to be Sheffield Village right? Law Director Graves answered right. Chairman Elliott continued and they would reimburse us for man hours and everything else? Law Director Graves answered right, well for any un-reimbursed costs could be written into the agreement. Chairman Elliott advised I would like to see that at least written in. Mr. Bring advised the problem I have is I asked Acting Chief Langin in particular is it typical that we use 2 people or 3 for prisoner and he said for a prisoner almost 90% of the time we use 3 people. He said we also use an officer, the officer would also have to follow us and that is strictly in case anything would happen they want to have witnesses and everything especially with a prisoner - for us to take 3 paramedics. Chairman Elliott advised which basically could be the entire shift over here, that and having to take one of our guys off the road and now we got one guy covering the entire city. Mr. Bring stated that is my biggest problem. It may only happen once but we ran into a situation where we had that girl that got hit across the street from me and I keep going back to that but we were transition because they called and they were at another place mutual – it wasn't a long time but it did take a little extra time for that ambulance to get down to that girl. She ended up dieing but it probably wasn't our fault, it was just a lot of panic there for several minutes and that situation could come again. That is the only thing I have that really bothers me that some goofball gets in there and decides he is having a

heart attack and now we have to transport him and we have to take our manpower away from our city and it is not fair for our residents. Law Director Graves advised the other side of that is our ambulance is on call, our squad transport anyone who gets sick or injured in our community right now. If a non-resident is here for a party or shopping or whatever and they have a heart attack or whatever then our squad is going to transport them. Mr. Bring stated that is totally agreeable. Chairman Elliott stated that is unforeseeable but the thing is. Mr. Bring stated we are taking on a liability right now. Chairman Elliott concurred we are taking on an added liability by having those people here. Law Director Graves stated I don't think it is an actual liability. Mr. Bring stated monetarily – no, I am talking about liabilities our residents possible not having an ambulance for whatever – it may be 10 minutes whatever, you still have multiple cities that you can call but it may take them 5 more minutes. Law Director Graves stated the problem you get into is determining what is a medical emergency and what is a non-emergency and medical personnel are going to tell you that how do you know something is not an emergency. Some guy is having some kind of pain or whatever and you say oh that is just minor and then he ends up having a serious issue. Chairman Elliott stated that is a big concern in jail because you are not a medical doctor therefore you cannot make that determination. Law Director Graves stated so basically it is all going to be an emergency. If somebody bangs a head or starts having chest pain, it is all going to be considered emergency and our people are going to end doing the squad or our people will be transporting because I just don't see how our guys are going to say well that is not really an emergency call the Village. Mr. Bring advised that is my issue and I am having a hard time with that. Law Director Graves stated I think that is probably the last issue here, I don't there will be any problem in determining a specific day. You know we can say to the Magistrate if you are going to send people over can we at least say it is going to be on a Tuesday because that is when your Mayors Court. That is when you are going to be reviewing. Mr. Bring stated you know just because he gets mad he is going to call somebody up and say I want that guy picked up. Law Director Graves stated I don't even know how they do it, if they don't show up for Mayors Court then they issue a Village warrant and then they pick them and then bring them over to our jail? Chairman Elliott stated technically speaking it would fall under this agreement but it would extend the 24-hour period because if you brought a guy in on Sunday, he would sit here for 2-days before he goes to court. Law Director Graves stated well we would have to make sure it is certain days, just certain days. Chairman Elliott stated that would free up the jail for the weekend. Law Director Graves stated well we would see if we could expedite the booking process, if there is a way that the Village could book it. Maybe you know, once they are booked – is that a closed system. Chairman Elliott stated for us it is kind of a closed system. But to me if you train them on how to operate it. Law Director Graves stated so you are saying that a Village officer walks in and sits down at our computer and

they sit here and book in the guy. Chairman Elliott stated I am not even saying that, what I am saying instead of a green tent – that is what we call it, what I am saying is all of the information and that way our guy doesn't have to talk to him. He just starts typing in all the information. Basically this is the information that this guy (Village) gave me and I am taking responsibility for that, sign off of it and that way all our guy is doing is just entering the information in and that should at least cut the booking process down to 5 minutes. You throw the guy in the jail and the guy on and basically you take the sheet that he gave you and attach it to our booking sheet and it is done – record. That would probably be the easiest way to do it, this is all the information that we need. Basically it puts it more on Sheffield Village shoulders then it does ours. That is my whole thing. The concern that the booking process is going to take – concerns me because basically you are taking a guy off of the road and we do have issues in this city, it could be a domestic violence and all of a sudden you are asking a guy to sit here and say okay get half way into the booking process which is kind of complicated. Also, say you have a guy half booked and then all of a sudden that is the guy who says he is having a heart attack and then you got drop what you are doing go and take him to the hospital and all of a sudden the hospital is asking you all the questions and you don't have it because the guy is half booked – he is not really completely in our system. Law Director Graves stated but that can happen anytime. Chairman Elliott stated what I am saying is that if you have all that information at least from Sheffield Village, that even if that does happen we do have the information in hand. We are trying to at least free up the work load a little bit. There was a lengthy discussion. Chairman Elliott asked is it unreasonable to ask Sheffield Village, if you have a guy up here than you come feed him? Mr. Bring stated you know just go to Bi-Rite right here, that is no big deal. Chairman Elliott stated if I were a Councilman for Sheffield Village – I would have voted for this immediately but for us you got to think liability and I am not saying that John didn't think about this or that you didn't think about this. Law Director Graves stated I don't have a problem with the day – I don't there is going to be a problem at all with the expedited booking process saying that when they bring them over they are going to have this paperwork here with all the information and also unreimbursed costs. I think that it has to be understood that this might a crucial consideration, in fact if one of their prisoners is in our jail our squad is going to have to transport because these guys can't be making a call on whether or not it is an emergency or non-emergency. Mr. Bring stated so we will put it in there, if it happens once – you might forgive it but if it happens twice I would get rid of this. If it happens twice in one year, I would get rid of this. Law Director Graves stated so if our squad is having to transfer one of their prisoners that you would say consider terminating the agreement. Mr. Bring stated that is my opinion. Chairman Elliott stated going deeper into that, if we do have to sit on this guy in the hospital – it doesn't have to be our guy, eventually that guy could be relieved by Sheffield

Village guy because it is not our guy, it is not our guy. Law Director Graves stated keep in mind there are a lot of situations where our people are in other communities, other communities are here – think of the schools. Mr. Bring stated I got it – we are doing somebody a favor and it is putting more liability on our city. Law Director Graves stated our Sheffield Lake students at Brookside, the Village is going to transport them if they have an injury. Mr. Bring answered but that is given, we know that. This is something extra, so I am looking at this as an extra as far as I am concerned. Law Director Graves stated just like it says at the beginning of the agreement that this is in the spirit of mutual collaboration, you know the Village does help us out a lot. There are going to be times when we have to go to them, we are trying to take some steps toward working together because that is the future – you know regionalism. These little individual communities, financially they just can't swing it anymore. Chairman Elliott stated there is other things that we can do costs sharing in as far as like the BAC machine – we have a BAC machine and they have a BAC machine and I am not really sure as far as the costs go as far as keeping those up, if we could share a machine that might save both departments a boat load of money if we just split the costs down the middle. There is different ways of saving money. Law Director Graves advised you can do studies, right now Leadership Lorain County we proposed that regional collaboration thing and Lorain Community College is doing the study now on how local communities can work together on stormwater management. That is just the issue they picked but there is tons of issues like that that we have dialog about. Five or six years ago that is what John tried to do when he first came in, he approached the Village Council and said let's just start a dialog, let's just start talking about the way we can reduce redundant services and work together and we can save both communities hundreds of thousands of dollars each year and they shouted him down and drummed him out. They didn't even want to have a conversation. Mr. Bring stated they acted like it was going to be immediate take-over and that was the problem – there was no dialog. Law Director Graves stated right, they thought it was going to be talked about merger and all that and that wasn't what it was. There was a brief discussion on costs for BAC machine which Chairman Elliott stated if it is more then a couple of hundred dollars we could take that and share it and have it either at our station or their station – it really doesn't matter because they are so close. Law Director Graves stated I think we have to kind of get our crosses, I think if this is going to happen our squad is going to wind up transporting – I don't we can limit that. Mr. Bring stated like I said for some reason if it happens more then a couple of times I would say sorry we can't do this because it is just too much. Law Director Graves stated well you never know when a medical emergency is going to happen but these are not going to be the drunks that they bring in at 3 in the morning that wants to fight everybody and throw them around. Mr. Bring stated it could be sugar, it could be anything – you never know. They could sit in there and pass out and hit their head. Law Director

Graves stated if they have any serious pre-existing medical conditions they are not a candidate for this and that is going to have to be sorted out before they come over. Chairman Elliott asked who makes that determination because somebody from Sheffield Village says you know what it is close but after I drop them and leave then it is not my problem. Law Director Graves stated no that officer has to stay through the booking process until he is totally booked in then he leaves and that way he can probably participate in a lot of the booking process. Chairman Elliott stated I just don't see taking one of our guys off the road so this guy can get booked in and it maybe a lengthy booking – it depends on the guy really and then you go on to the next guy. I just don't see pulling one of our guys off the road for a lengthy amount of time to book in one of their guys. Mrs. Huska stated the only prisoners they can bring here are the ones from traffic court? Law Director Graves answered yes Mayors Court. Basically they are not going to be sentencing people out of Sheffield Village Mayors Court – they are not going to be like you are here by sentenced to serve 24-hours in Sheffield Lake. It is to temporarily incarcerate people who have already unpaid fines in the Mayors Court, it is the person who has got a \$150.00 fine and they keep trying to get him to court and hasn't paid it and he is dragging it out. All they can do right now is suspend his license but the Magistrate would like the ability to say okay you are going to sit the next 12-hours in the jail or 8-hours, they have their Mayors Court during the morning at like 11 in the morning. So he can say you are going to go sit in the Sheffield Lake jail until 6 o'clock tonight at which time you will be brought back here and we will re-evaluate the situation for you. Chairman Elliott stated I can understand why he wants to do it, like I said it is just more of getting some questions answered. Mr. Bring stated also you have a dispatcher watching him and everything, I mean they are responsible for those people.

**CITIZEN'S COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this committee,  
\*Motion by Bring/Second by Huska to adjourn at 8:18 pm. Yeas all.

**CLERK OF COMMITTEE AFFIRMATION:** This Meeting Of The City Committee Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council's office.

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CLERK OF COUNCIL  
*Kay Fantauzzi*

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CHAIRMAN OF COMMITTEE  
*Eric S Elliott*

I, Kay Fantauzzi, duly appointed Clerk of Committees of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Committee of September 10, 2009.

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COUNCIL PRESIDENT

*Edward R Podmanik*

*and/or*

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COUNCIL PRO TEM

*Richard Rosso*