

MINUTES

Niles City Council held its regular meeting Wednesday, March 21, 2007 at 6:00 p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The meeting was called to order by President Robert Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P

It was moved by Stredney, seconded by Papas to accept the Minutes of the regular meeting of March 7, 2007 and place them on file.

REPORTS AND COMMUNICATIONS

None

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Phillip Merlo, 1868 Merlo Court, Niles: I am here tonight because it may not concern council or the mayor but I think I should go as high as I possibly could and I don't think I could go higher than our mayor and city council. We have a position in Mt. Carmel School (inaudible) where our pastor has taken it upon himself with the diocese to close our school. About a year ago we made an agreement, they wanted to close the school then but our council and I have to say this that I am the lone guy standing for our parish. There is another one and I don't know who it is that voted no. I told Father that I would take it as far as I could. A year ago they signed an agreement that was supposed to last for three years where the teachers of Mt. Carmel took a wage freeze (inaudible) at this meeting, with the wage freeze and everything that was supposed to last three years and it has only gone for a year. The teachers have succeeded in every fund drive that they have had and it goes to show that the winner of the fund drive was our pastor. The teacher succeeded in every fund raiser and every activity that they had. The only thing that was left up to Father to do was to recruit the students and that is where we failed, recruiting the kids. From what I understand and I don't know how true this is but a lot of people have called the sacristy and they tell them that our school will be closed, why don't you go to the Blessed Sacrament or why don't you go to St. Stephens? We worked very hard and I was a young man at the time in my teens and we went around collecting money. I can look around the room and see the children of these people that worked along with me. We collected money for the school. All this time and it has been, I have a list of all the people who worked on all the fund raisers for the school, the drives that we had. It started that we were asking people for three hundred dollars and they would pay it in time and the ones that couldn't pay they would work. We made that land and everything else. Now (inaudible) the diocese took our land. I know what they want to do they want to sell it and make some money and sell it. It is up to them what they want to do. I want city council and I want the city to know that this is the type of people that we have in our thing. I don't know why or what their reason is. We worked hard purchasing the land, building the school and there are people in this room that helped their ancestors and their kids.

So many things that we have done and I have them written down and I have to look at the notes, we worked together and the diocese always gave Father O'Reste and Father Nick a hard time. (Inaudible) and now the diocese closes the school, it is final. They said they don't have anything to do with it. The only thing I asked at the council meeting (Mt. Carmel Church Council) I asked everybody isn't the parishioners entitled to know what you are doing. They said I do whatever I want. The meeting was out of schedule, it wasn't supposed to be, the meeting we had that night was supposed to be the following week. It seemed that he had the vote and he called for a vote that night but wasn't true. I am really coming to council and the mayor to please try and stop this, not stop from getting rid of the school but stop it until the new bishop comes in. I asked for that and they told me no that they wanted to clear the path for the new bishop. So, this is what we get we get the diocese closes the school and it is final. They didn't advise the parish or the parishioners they didn't advise anybody. In fact, they put a gag rule on the teachers and they weren't supposed to say anything. If you want proof of that, he sent them letters telling everybody not to say anything to anyone about it. Like I said we went to the council meeting (Mt. Carmel Church) that night, I didn't know about it, maybe the other members knew they must have known because they were ready to vote. Please put your foot down all of you this is the City of Niles and operates legal all the time and I don't think it is legal when they close the school down. Here is another thing; they say that we only have forty five students that is totally wrong. The reason for this I say that many, many people cannot afford to send their kids to Mt. Carmel so they asked and they drained the Angel Fund from what we had. The parishioners put in there every week for it and approximately ten or twelve thousand dollars in there, but they show that it is gone. Our lawyer that has looked into the records of Mt. Carmel School has two hundred thousand dollars in CD's. Do you mean to tell me that having that money they couldn't have given some of that money to the children of these families that need it? I remember when we first built the school and the people didn't have any money. Father O'Reste signed them anyway and they gave their money as service to the church or service to the school. They all got an education. I will tell you this, some of the teachers we couldn't find teachers, Father sent them to Youngstown College and they are teachers today. I am telling you some way some how get the bishop to listen to us. You are the City of Niles and anything that touches Niles you are responsible for. We are parishioners we voted for you people and we are still parishioners.

Councilman Scarnecchia: A couple of observations on that, number one, it wasn't too long ago that the pastor of Mt. Carmel was here with a group of people and this council and administration helped them out allowing that gas well on that property. It was supposed to really help them. Secondly, I was under the understanding because many of us have worked it that festival which they clear three hundred thousand dollars was for the school. Third, we get all the announcements that the enrollments down but we have not seen anything, is it money? They haven't put anything about money. All they do is put the enrollment down. I would like to see if my colleagues would go with me that we do send a letter to Msgr. Siffrin, the acting bishop asking them to wait until the new bishop is there. I don't know how my colleagues feel about it and if we can do that.

Law Director Dull: We could do something like that if council had a majority to agree to ask. You have no authority over them but you certainly have the right to ask.

Council Scarnecchia made a motion to send a letter to Msgr. Siffrin asking if he would delay the closing until there is a new bishop in the diocese to look this over carefully. Councilman Papas seconded the motion. Motion carried.

President Marino told the councilman that we would get a draft together and send the draft down. If the clerk does not hear back from council and the law director the letter will be sent.

Mr. Jim Gentile, 123 Mistletoe, Niles: About two months ago there was an article in the Niles Times on the Mistletoe-Potomac storm sewer project. It was to begin in April, I believe and I wondered if that is still true?

Mr. Mark Hess: We got a grant for that project; it is an Issue Two Project. Initially it was, it started out as two projects, one storm sewer on Mistletoe and one on Potomac. We did Mistletoe first and we heard from some residents from Potomac and they wanted to be included. So we combined the two projects and we got an Issue Two Grant for that. That money does not become available until July 1st. You are looking at around August at the earliest.

Mr. Gentile: When would the completion be?

Mr. Hess: It would probably be around three months.

Mr. Gentile: Thank you.

Mrs. Donna Hinkle, 1695 Timber Court, Niles: I am back with the mold situation. Everybody was saying that they were going to call and get some answers and I haven't gotten any answers yet.

President Marino: I think what was said ma'am was that we were going to send our inspector out and none of these gentlemen here would have any information for you. That would be for Mr. Vigorito and his department. Tony do you have anything to fill her in on?

Mr. Anthony Vigorito: Again I was explaining with her and Councilman Scarnecchia, Steve did go back out on the extra complaints that were filed and has sent a letter out since and giving him time to do it. The majority of the problem is the roof leak. The roof leak is hard to stop in the weather that we had. He will follow through as soon as the weather is good enough to get it stopped. You can't even do the repairs in the building until the roof has been fixed.

Mrs. Hinkle: Yes, but he wants to try and put up green board before the roof is even fixed. Steve told me, he already has the green board lying in the hall way. Steve told the girl across the hall to keep an eye on it so he couldn't put it up. That is not her job.

Mr. Vigorito: I can't answer for the landlord. Steve sent them out, notices, they have to have repairs and they have to follow through with them or they will end up in court.

President Marino: Mr. Vigorito does he need a building permit to make those repairs, I don't know what the process is?

Mr. Vigorito: Generally we rarely bother them with a permit if it is just a repair on the roof and patching drywall on the inside. Again if it not getting into a lot of structural work interior we don't go after permits on repairs. I haven't seen the work personally, this is all through the housing inspector.

President Marino: Would it be possible for you to go look to see what the scope of repairs is required and does it meet our codified ordinances in terms of whether he needs a permit or not and if it meets it enforce or not. Get back to Mrs. Hinkle and let her know that this is where we are at and this is where we are going based on what your laws permit you to do.

Mr. Vigorito: Sure, no problem.

Mrs. Hinkle: I got a letter from where I sent my mold kit in. There are four different kinds of molds and one is up to ten, they said that is very high.

President Marino: Well ma'am we will have our chief building official from the city go out look and inspect to see if it rises to the level of what the ordinances permit him to enforce in terms of the permitting process. We will go from there.

Councilman Scarnecchia: I learned something new, I understand that in the lower apartments that there is also leaking. Mr. Vigorito said that our repair man just can't go in to any apartment unless there is a complaint. I think that it has to be clear and I wish that the newspaper would do this for us that any tenant in town that has mold or water leaking in, please call the zoning inspector and we can have it checked out. People are afraid they are going to get evicted but the illness is going to be much worse than the eviction. Do you agree on that, Mayor?

Mayor Infante: Absolutely.

Councilman Scarnecchia: Thank you. I wish you would, newspaper put something in there any tenant that has leaking water; I don't think that people know that. They think that we should just come out and inspect it, there has to be a complaint made to the city.

Kim Lokash, 1804 Cardigan Street, Niles: There were a couple questions I did want to ask first of all to Mr. Stredney, I do understand that you had come out and saw Donna's

place. That was pretty good of you to do that and everything like that. She had said something about there were some calls that you were going to make or whatever and I was wondering what that was all dealing with.

Councilman Stredney: Yes I stopped back, I had talked with Mr. Burke and he had filled me with what Mr. Yovich was doing, the same thing that Mr. Vigorito had said. He had stopped up there and was going to go into the other apartments and do there inspections. I had stopped down at the Niles Senior Building to see if there were any programs that could help her out and I haven't been able to find any programs to help with the moving costs and what not.

Kim Lokash: One of the papers that I did bring to the gentlemen that were here there are a lot of questions and answers on mold. One of them does deal with building inspections. On a yearly basis a building should be inspected for mold, it helps to prevent this type of problem. He has all the literature right there. I think that goes for anybody no matter where you live.

President Marino: So there is no confusion, Mr. Vigorito are you going to get back to Mrs. Hinkle so that there is no misunderstanding next time?

Mr. Anthony Vigorito: I will get their numbers after the meeting and I will get back with them.

Kim Lokash: There was one other thing, are you the fire chief? The last time I was here I believe you asked Donna about Mr. Sliwinski's name and you said that you were going to look into some things and we wanted to know what that was about.

Fire Chief Gary Brown: We had a Housing Board Meeting on some buildings and I wanted to know if you were talking about somebody that I knew I was dealing with or senior, yours was senior. I knew that I was going to be dealing with junior and that is how that came into play there. Technically I am not allowed to inspect private residences, as a fire inspection we do come out with a fire. That was the reason I asked the question because of the future meeting I was going to have on April 3rd.

Kim Lokash: You would think that Mr. Sliwinski would come and see the apartment but he never came to see it, never. He never even walked into his own building to see the deplorable conditions that all six of these residents live in. Mr. Stredney did and I know that he wasn't too happy with what he saw. I live in a home around the block and if you have inspections done this kind of thing won't be happening to Donna or the other residents in this building. There was a big fight in there just the other day. The police have been called many times. He just lets anybody in to the building doesn't care if they have money or not. There is just so much going on in the place and it is bad because me as a homeowner my depreciation of my home is going to keep going down. Just like Mr. Simeone's, Linda, Rob or anyone that lives around me. You are going to have that traffic going up and down our street eighty miles an hour. It is all coming from that building.

President Marino: We trust that our building inspector will do is due diligence in terms of enforcing our ordinances and he has our faith to do that and get back to you. The city can only do what our ordinances permit it to do. Have faith in Mr. Vigorito. I know he understands the seriousness of it. He is a good man.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO.____ (Draft No. 13-07)

AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NILES, OHIO, AND THE DECLARING OF AN EMERGENCY

It was moved by Papalas, seconded by Papas to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Scarnecchia that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 13-07 has been adopted on this 21st day of March, 2007.

MISCELLANEOUS REMARKS

Mayor Infante: The next council meeting I should have a tentative agreement, I have one now with the dispatchers so I should have this package ready for the next council meeting and hopefully with AFSCME the service workers.

Mr. Tom Telego: Just a reminder that next week is Severe Weather Awareness Week. At 9:50 a.m. Wednesday morning we will be testing the sirens throughout the city. Just to let you know that we had the maintenance done on it last week and everything was good to go.

Mr. Mark Hess: We are ready for the street resurfacing project for next year and we are compiling streets and I would like to know if I could get ordinance advertising for bids and enter into contract for the street resurfacing program for the next council meeting. To Mr. Stredney we heard from the railroad for that bridge there they are going to be

replacing the deck and some of the structure beneath the deck. It will start probably the end of April or the beginning of May. It will be closed for six weeks.

President Marino: Speaking of railroads what are we looking at with the bike trial, are we moving along with that?

Mr. Hess: It is moving.

Councilman Lastic: Chief, have you received any more calls outside the one I gave you on the Kearney Street area?

Chief Simeone: No we didn't. We received one complaint from a landlord in reference to one of his tenants riding on the property. We have had officers up in the area. Today we also sent another officer up to the street of the person that lives there and they were told that if they were caught on the street with the four-wheeler that we will tow it and you will be cited in court.

Councilman Papalas: From time to time that gate on Summit Street is open, the old railroad bed, it has been open for the last week. Will somebody remind the parties involved that it needs to be locked up?

Fie Chief Brown: I think the railroad actually owns it, I can check it.

Councilman Papalas: That gate is supposed to be locked. That is where a lot of those four-wheelers are flying along.

Police Chief Simeone: They cut the lock off, they put it on and they cut it off that fast. There has got to be something different done there.

Councilman Papalas: They are responsible for it, it is their responsibility. Mayor, Mr. Roberts from the county did you get a hold of him?

Mayor Infante: No I haven't but I will call tomorrow. I have been tied up in negotiations.

Councilman Stredney: I have a few complaints, I got quite a few phone calls from Summit Street on semi speeding and four-wheelers. I told them all that it is that time of the year for the four-wheelers. I don't know what else to tell this people. I am getting bombarded with phone calls from Summit Street. I feel for the people but I don't what else to tell them because we are not legally allowed to chase them. I believe that is correct?

Police Chief Simeone: Right we have a no pursuit clause.

Councilman Stredney: Which I agree with.

Chief Simeone: I believe there was an arrest made just yesterday or the day before up on Summit Street. We had contacted every company down there informing them to tell the truck drivers we are going to be running radar and if they are caught they are going to be cited. We are having the same problem on Hunter Street.

Councilman Stredney: I was also going to ask if we could have some extra patrols up there maybe that would help to slow down the speeders for the spring time.

Chief Simeone: Okay.

Councilman Papas: Bruce we also have four-wheelers going bananas up there on Pepperwood. They don't any license or nothing.

Chief Simeone: I am going to ask again if anybody has an idea of where they are at, just like this one complaint today up on Clark. We finally found who we think it is that is riding out in the street. If anybody has an idea of who they are, all the residents know where they go and nobody really wants to turn in a neighbor but they are also the people that are calling you and other councilmen about it. They don't have to give their name just let us know where to go and we can talk to the people. They can give it to you if you want. We will go the residence and let them know that if they are caught on the street, it is going to be towed and they are going to be cited into court.

It was moved by Lastic, seconded by Papalas to adjourn this meeting at 6:32 p.m.
Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

