

MINUTES
JUNE 18, 2014

Niles City Council held its regular meeting on June 18, 2014 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

The meeting was called to order by President Robert Marino, and the Clerk, Lori Kuszmaul, called the roll:

Lastic-P, Papalas-P, Giancola-P, McCormick-P, Stredney-P, Merlo-P, Pezzano, P, Marino-P

President Marino: Gentlemen, you have your May 21, 2014 and June 4, 2014 Minutes, your pleasure?

Mr. Stredney: Mr. President, I would like to make a motion to accept them and place them on file.

Mr. Merlo: Seconded.

President Marino: Moved by Stredney, seconded by Merlo to accept and place on file. Questions or comments? Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles City Auditor

Revenue/Expenses Balances as of May 31, 2014

It was moved by Papalas, seconded by Lastic to accept the report and place it on file.

Motion carried.

FROM The Auditor's Office

Updated letter concerning funds.

Mr. Papalas: On number 1, it says it needs immediate attention and it mentions the Court. Mayor, wasn't that straightened out already?

Mayor Infante: No. The court's budget we cut by \$200,000.00 because the General Fund was subsidizing it and we told the court that you have to start funding your own department instead of depending on the General Fund

Mr. Papalas: Correct. I thought we had that agreement with the judge.

Mayor Infante: We did. Early on when we did the budget with him, we told him you have to raise court costs or you have to go out and get delinquencies and they said they were going to do that.

Mr. Papalas: I think we need to discuss that with him one more time. Touch base before it goes on any further. Now, on the revenue and expenses, you notice all the red and I'm concerned

about it for a number of reasons. Water is still, according to this page, in the red which means automatically the General Fund is going to be subsidizing it as it has in the last couple of years unless the rates kick in, as we are hoping, and it balances things out. Now, I want to stress that the water department received two and a half million dollars from the General Fund over the last couple of years. We didn't pass ordinances for that, so if you guys are wondering how we did that, we didn't. It automatically underwrites the water department when there is debt like this, so we need to be extremely careful because if this doesn't right itself through our rates, we're going to zero out our General Fund and then we are in deep, deep trouble. I don't think we want the state to come in. So we need to take this seriously. I was going to call for a meeting and you can see that Chuck is requesting it also, for Tuesday, but the Mayor is requesting that we wait until the following week because by that time the water rates will have come in and we'll be able to get a better idea of where we stand. As long as this continues without the revenues being at the level they are supposed to in our enterprise accounts, we're going to drain our General Fund, which means our safety forces are directly impacted, which means we can't pave our streets and it goes on and on and it's not going anywhere good.

President Marino: Any other comments?

Mayor Infante: Just to go with that, I recommended that we wait six months to show the expenses and the revenues that come in and we have a total budget for the year so we'll know after six months when Chuck does his status report where we stand on our budget.

Mr. Papalas: I'm also worried about the sewer department because of that sewage treatment plant. That is mandated and we don't have a choice and if the funds aren't there, we're in deep trouble with the government.

President Marino: Chuck, on the hospital self-insurance, the \$15,137.00 in deficit spending, is that directly attributable to claims? Where is that number coming from?

Mr. Nader: That would have been for May only.

President Marino: For May only?

Mr. Nader: That's May one. As you look at the end of April and go over to the balance at the end of May, right now the hospitalization is actually \$35,000.00 to the good. That would have been claims or prescriptions, etc. against what we charge all the departments.

President Marino: That's one month?

Mr. Nader: That was May, yes.

President Marino: And then the police and fire, \$574,000.00; what does all that include? Police, fire, all of operations of the safety service or what?

Mr. Nader: All the wages, all their benefits except for pension and the complete operation. Gasoline, paper clips, everything.

President Marino: Well, where is safety service on here at?

Mr. Nader: That's in the General Fund.

President Marino: How is that doing?

Mr. McCormick: While you're looking at that, the police and fire, why did it go up over \$550,000.00? Why did it go down that much more in one month?

Mr. Nader: That's the normal amount spent on payroll, benefits, etc. in a month. See, the only monies that police and fire one half percent gets is from the General Fund, you know the one half percent income tax and the quarterly transfers. So next month we'll have a quarterly transfer. Let's say it's going to be a million and a half, two million dollars that should get us through the next three months.

Mr. McCormick: So that quarterly transfer catches us up? It doesn't go in there expecting to be paid out?

Mr. Nader: It should put us a little bit ahead for the next couple months.

Mr. McCormick: Ok.

President Marino: So the next page, Chuck, the ones you have highlighted in yellow, safety service complex, how could that be in the deficit? \$125,000.00.

Mr. Nader: That is a projection that if the payroll keeps going the way it has, we only appropriated \$122,633.00 in the budget. So far to the number 12 pays, they have already spent \$106,000.00. Now some of that was there was an employee buy-out in there of \$31,000.00, but if they keep going with an \$8,000.00 average expense per pay, they are going to end up with a \$125,000.00 deficit. We do not have enough money appropriated there to keep paying the safety service complex part-time dispatchers, the –

President Marino: That's held against the General Fund?

Mr. Nader: Yes.

President Marino: And then probation? That's the judge's problem.

Mr. Papalas: Why are we almost \$126,000.00 in the hole with safety service complex? Is that strictly dispatchers?

Mr. Nader: That's the wages only. That's the dispatchers only. We have part-time dispatchers, we have a maintenance man for the grounds that is paid out of that. We were supposed to do something earlier this year about the dispatching.

President Marino: That doesn't even include benefits, pensions --

Mr. Nader: No. There's another page for that.

President Marino: The next page is pensions.

Mayor Infante: We are waiting on the county to pay for the software.

Mr. Papalas: How long is that? How far into the future?

Chief Hinton: Once the purchase order is approved --

Mr. Papalas: How much?

Chief Hinton: \$65,000.00.

Mr. Papalas: \$5,000.00?

Mr. Merlo: \$69,000.00.

Mayor Infante: But that's supposed to be paid for the 911.

Mr. Papalas: When will that come in?

Mayor Infante: We've been waiting on it.

Chief Hinton: 911 is taking care of the CAD, which is all the equipment in the dispatch room. 911 fee will pay for all of that equipment, the software upgrade, but on record's management system, 911 fees will not pay for that. The county is not obligated to pay for our record's management system. Both of them have to talk to each other. The CAD talks to the record's management system, dispatchers input the information which leads to the record's management system so the police officers can do their reports as inputted by the dispatchers. So they both have to come in at the same time.

Mr. Papalas: So you're saying 911 isn't going to reimburse us?

Chief Hinton: Not on the record's management system because it is not 911 connected. Our record's management is for our department.

Mr. Papalas: Are we still talking about the \$69,000.00? So we have to come up with that?

Mayor Infante: Well, I asked Mike Dibble to call Ernie Cook from 911 and Frank Fuda, the commissioner, to sit down and hash things out. This was supposed to be done August, September of last year. Here we are in June 2014 and we still --

Mr. Papalas: We are bleeding at \$126,000.00?

Mr. Lastic: What are we supposed to get out of that?

Chief Hinton: Keep in mind. We pay almost that in maintenance right now with our current vendor. Our maintenance is going to go down \$60 some thousand eighty five hundred a year with the new vendor. We will have a huge savings on the maintenance agreement itself.

Mr. Papalas: We understood that going into this, Chief, the problem is we are still bleeding. That hasn't stopped.

Mayor Infante: That's why I asked for the meeting with the county.

Mr. Papalas: When will that be?

Mayor Infante: Hopefully soon.

President Marino: Chuck, the last question, on the sewer funds because we have to build a new sewer treatment plant, looking ahead, can you take sewer funds and project out for the remainder of the year, looking at revenue, see what we can expect to have in the sewer account by the end of the year?

Mr. Nader: I can do that for you, Bobby. I wouldn't have that number tonight.

President Marino: No. I know that.

Mr. Nader: I'll do that for you.

President Marino: I appreciate that. Have we ever heard back from the EPA on our sewer treatment plant?

Mayor Infante: No.

President Marino: We never have?

Mr. Papalas: Anything going on with that?

Mayor Infante: The engineering firm has been doing the design and they've submitted it to the EPA, but we haven't received anything back.

President Marino: We all due respect, we passed that months and months and months ago as an emergency. It was gloom and doom. I remember my friends from Montgomery Watson telling us that you have to have this right now because the EPA is coming.

Mr. Papalas: When are you going to meet with them again, Mayor?

Mayor Infante: Tomorrow.

President Marino: Thirty some million dollars and we have no money to pay for that, and he told us we had to do it immediately because the EPA was coming. So we have never heard back from the EPA, so how are they designing anything if we haven't heard from the EPA?

Mayor Infante: Unfortunately, we are at the mercy of the EPA no matter what. Whether they're late in getting back to us or not, they're going to mandate us so they are going to fine us. You know that.

President Marino: I appreciate that. I do. I also know how the government works. I'm in public education.

Mr. Papalas: So how do you design something when you don't know what to design for?

Mayor Infante: Well, we sort of know what the design is going to be, but the EPA has to approve that design.

Mr. McCormick: I think probably – I've dealt with this when I worked with MVSD – Montgomery Watson is probably dealing with the EPA right now and making sure that everything they are putting in is going to be kosher with them because they're going to be seeking their approval when the design is done, so they work with them along the way to get it where it is. If you would like, I'll try to check with Montgomery Watson and get a report and see if they have been communicating with the EPA, and I guess we would have to check with our new superintendent and see if he's had any dealing with them yet.

President Marino: Again, with all due respect, I would not want an engineering firm acting on my behalf as the owner of anything without my input because I do have experience with this. I had the pleasure of overseeing the construction of a middle school, fourteen million dollars, and we were lockstep with the engineering firm – my good friend Mr. Yuhasz is here – and he remembers all too well how that went. Somebody from the city should be overseeing that because they are spending our money. I'll wait –

Mr. McCormick: Do we know for sure that Andy hasn't been a part of the loop? He's our professional on this, you know.

President Marino: Well, he should be here as a department head so I could ask him.

Mr. Buccino: About a month ago we had a meeting. Andy was there, myself and Montgomery Watson. They had the intent of design of what we were looking at. Just waiting for them.

Mr. Papalas: At the cost of thirty million dollars?

Mayor Infante: Well, it was 33 – 34. We slashed three million. That's where we're at right now.

Mr. Papalas: Just so it stays at thirty million dollars. If it doesn't stay at thirty million dollars, maybe we should have another engineering firm oversee what is occurring with the present design project. Just make sure everybody –

Mayor Infante: We might have to put it off another year since this is all taking so long.

Mr. Papalas: Yes.

President Marino: Well, I think back to the meeting we had in the conference room, I said that. Did anybody call and ask?

Mr. McCormick: The final design is due by this November.

President Marino: Right.

Mr. McCormick: And when we talked to Montgomery Watson, they felt they could meet that deadline.

President Marino: Right, but I remember that we were sitting in the conference room and I asked him, do we need to ask? And he said, no, no. If you ask or wait, it might cost you more money because they might make you do more things. God definitely blessed me with a good memory, so I remember him and I remember sitting in here telling me you have to pass this right now, you have to pass this right now. I'm not trying to be condescending. I'm not talking down to anybody, but this is thirty million dollars and I don't know how we are going to pay for this right now. And all these other fiscal problems we have going on, so I pay attention to this because I'm responsible to these people and we all are. So I will let that horse lie. Any other comments on Mr. Nader's report?

It was moved by Papalas, seconded by Merlo to accept the report and place it on file.
Motion carried.

FROM the Auditor's Office

Draft of an Alternative Tax Budget Information to be passed.

Mr. Papalas: Chuck, how soon do you need this passed?

Mr. Nader: I have a letter from Auditor Biviano from Trumbull County and in the letter he proposes an Alternative Tax Budget "An ordinance for resolution should be passed accepting the Alternative Tax Budget. Please return the Alternative Tax Budget along with your approved resolution ordinance by July 20, 2014." So this is just a draft for your review. You know where my office is and you guys can come in whenever you wish. Call or stop by, but this gives you a month to at least look it over. If there are any questions and we can also discuss this when we have the next meeting.

Mr. Papalas: Ok.

It was moved by Papalas, seconded by Lastic to accept the report and place it on file.
Motion carried.

FROM Chief Hinton
2014 Tow Fee Pay-Ins and Alarm Activation Fees Received

It was moved by Papalas, seconded by Lastic to accept the report and place it on file.
Motion carried.

Letter from Patrolman Crank concerning speeders on Belmont Avenue

It was moved by Papalas, seconded by Lastic to accept the report and place it on file.
Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: Would anyone like to address Niles City Council tonight? Your name and address please.

Dan Roberts: I live on Cassandra Drive. First Ward. I was wondering if you were going to have spray for mosquitos this year?

Mr. Burke: June 25th we will spray.

President Marino: Thank you, Mr. Burke.

Dan Roberts: We came in at 6:00. The website said the meeting was at 6:00. Did we miss the parking ban thing?

Mr. Giancola: Yes.

Dan Roberts: Is it a yes or is it a no?

Mr. Giancola: I'm going to give it a second reading tonight and I am going to push to pass it at the July meeting.

Dan Roberts: So at that meeting we will have to come early to hear what goes on?

Mr. Giancola: No. That will be a regular 6:00 meeting.

Mr. McCormick: The public meeting just gave people an opportunity for people to speak either for or against it. We didn't indicate anything on a vote or anything yet.

Mr. Papalas: Which you may still do at this point if you want to.

Dan Roberts: We are certainly for it. I don't know whether that means anything or not, but we are definitely for the parking ban. Thank you.

President Marino: Anyone else which to address Niles City Council? In the opinion of the chair, there being none, Committee Reports.

COUNCIL COMMITTEE REPORTS

Mr. Papalas: Mr. Chairman, I would like to schedule a roundtable with all of City Council and Department Heads to discuss the budget on July 1st; is that it, Mayor, Tuesday, July 1st?

Mayor Infante: Yes.

Mr. Papalas: At about 4:00 p.m.?

Mayor Infante: Where do you want to have it?

Mr. Papalas: Let's do it at the city building because Chuck might need to get us some records from upstairs. Let me ask Chuck. How many days will it take you to prepare the status report?

Mr. Nader: I'll have it by Friday.

Mr. McCormick: Friday is the 4th of July. Everyone will be off that day.

Mr. Stredney: Do we have a council meeting on the 2nd?

President Marino: No, it's on the 15th. We have to hold that date because he needs that budget thing approved.

Mr. Papalas: I'm thinking we are going to need more than one meeting. So if we had it on Thursday, which is July 3rd, how is that for everybody? Those who can make it, make it and those who can't, we'll fill you in on everything.

Mr. McCormick: 4:00 here in chambers?

Mr. Papalas: Yes 4:00 July 3rd in council chambers. All department heads should be here.

President Marino: Lori, can you send notice to everyone?

Clerk: Yes.

President Marino: Are there any other committee reports? There being none, would the clerk please present tonight's legislation?

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 36-14)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE 2014 STREET RESURFACING PROGRAM; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

YEAS: 7 NAYS: 0

Rules are suspended.

Moved by Papalas, seconded by Giancola to adopt Draft No. 36-14.

YEAS: 7 NAYS: 0

Draft No. 36-14 has been adopted on this 18th day of June 2014.

ORDINANCE NO. ____ (Draft No. 39-14)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE MISCELLANEOUS GENERAL EQUIPMENT PURCHASE ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

Mr. Papalas: Mr. Chairman, this is part of half a million dollars we transferred from the light department back into the General Fund.

YEAS: 7 NAYS: 0

Rules are suspended.

Moved by Papalas, seconded by Giancola to adopt Draft No. 39-14.

YEAS: 7 NAYS: 0

Draft No. 39-14 has been adopted on this 18th day of June 2014.

ORDINANCE NO. _____(Draft No. 43-14)

**A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFER
OF FUNDS FROM THE CIVIL SERVICE CONTRACTED LABOR ACCOUNT TO
THE CIVIL SERVICE REFUNDS ACCOUNT; AND DECLARING AN EMERGENCY**

It was moved by Papalas, seconded by Pezzano for suspension.

YEAS: 7 NAYS: 0

Rules are suspended.

Moved by Papalas, seconded by Lastic to adopt Draft No. 43-14.

YEAS: 7 NAYS: 0

Draft No. 43-14 has been adopted on this 18th day of June 2014.

ORDINANCE NO. _____(Draft No. 44-14)

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR
BIDS AND ENTER INTO CONTRACT FOR THE NORTH MAIN STREET
RECONSTRUCTION PROJECT; AND, DECLARING AN EMERGENCY**

It was moved by Papalas, seconded by Lastic for suspension.

Mr. Papalas: This deals with the paving of North Main, which is going to occur this year, Mayor?

Mayor Infante: Yes. \$386,000.00 grant. The local share is \$110,000.00. Starting August 1st, so they should be done by the end of September.

Mr. Papalas: Is that the one they moved up, was supposed to be next year and they moved it up to this year?

Mayor Infante: No, that is North Main and 46.

Mr. Papalas: Ok.

YEAS: 7 NAYS: 0

Rules are suspended.

Moved by Papalas, seconded by Giancola to adopt Draft No. 44-14.

YEAS: 7 NAYS: 0

Draft No. 44-14 has been adopted on this 18th day of June 2014.

ORDINANCE NO. ____ (Draft No. 45-14)

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS AND ASSOCIATED EQUIPMENT FOR THE FIRE DEPARTMENT; AND, DECLARING AN EMERGENCY

It was moved by Giancola, seconded by Merlo for suspension.

Mr. Papalas: Chief, what is this for?

Chief: It's for a breathing apparatus. It's for \$157,000.00 and the package was roughly \$165,000.00. We put it out to bid.

Mr. Papalas: Good work. Very good.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Lastic to adopt Draft No. 45-14.

YEAS: 7 NAYS: 0

Draft No. 45-14 has been adopted this 18th day of June 2014.

ORDINANCE NO. ____ (Draft No. 46-14)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE INCOME TAX REFUND ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Giancola for suspension.

Mr. Papalas: This is an ordinance for \$26,000.00 needed by Treasurer Swauger for income tax refunds.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic to adopt Draft No. 46-14.

Mr. Merlo: What are the refunds for?

Mr. Swauger: The overpayment of income taxes. They overpaid their taxes last year. One business overpaid by \$14,000.00, but they only want \$10,000.00 of it back. And then there are some that overpaid minimal amounts, but want refunds. These will be the first of some refunds this year.

Mr. Merlo: Ok.

YEAS: 7 NAYS: 0

Draft No. 46-14 has been adopted this 18th day of June 2014.

President Marino: Councilman Giancola.

Mr. Giancola: Yes. I would like to add to the Agenda 32-14 and 34-14 A, the amended version.

President Marino: A second.

Mr. McCormick: I second.

President Marino: To add 32-14 and 34-14 A to tonight's agenda. Questions or comments. Motion carried. Would the clerk please present Draft 32-14 by caption.

ORDINANCE NO. ____ (Draft No. 32-14)

**AN ORDINANCE REGULATING THE PLACEMENT OF DONATION BOXES
WITHIN THE CITY; AND, DECLARING AN EMERGENCY**

Mr. Giancola: Mr. Chairman, I would like to move for a third reading.

It was moved by Giancola, seconded by Papalas for a third reading.

President Marino: Draft No. 32-14 has received its third reading.

YEAS: 7 NAYS: 0

Draft No. 32-14 has received its third reading.

ORDINANCE NO. _____ (Draft No. 34-14 A)

AN ORDINANCE REGULATING OVERNIGHT PARKING ON THE STREETS AND ALLEYS OF THE CITY; AND, DELARING AN EMERGENCY

It was moved by Giancola, seconded by Papalas for a second reading.

YEAS: 6 NAYS: 1 - Mr. Stredney

President Marino: Draft No. 34-14-A has received its second reading.

That concludes tonight's legislation. The next order of business is miscellaneous remarks.

MISCELLANEOUS REMARKS

Mayor Infante: Just to let council know, next year we are going to apply for a federal aid grant for all of Vienna Road and Warren Avenue. The total project cost would be about \$403,000.00. the local share would be about \$80,000.00, but Mark Hess from the engineer's department thought it would be a good idea. We are going to try to match the local part of it through the Ohio Public Work's Commission, so we don't have to pay anything. At least we can save the general fund that way. That's for 2015. Vienna Road and Warren Avenue.

President Marino: Thank you, Mayor.

Mr. Papalas: I have a comment. First, I would like to request for an ordinance for the next meeting to transfer \$7,308.33 from payroll into the police department. Speaking to Chuck, we need to transfer this from the unappropriated police and fire to police category 17-10-5101 wages. This is a result of the grants from the active shooter training program they held recently. I found it curious again tonight that the Tribune is not here. The experts on the City of Niles. The experts on everybody's jobs and it's unsettling because even when they were here at the last meeting, I want to tell everyone, we transferred a half a million dollars from the light fund back into the General Fund. The light fund owes still another million, but the point is, we are getting there and we're working on this all the time. Are you from the Tribune?

Bob Coupland: I'm filling in for the other guy.

Mr. Papalas: Usually the other guy is right here, so I just wanted to stress that. I'll take back some of my other remarks then, but I do apologize and I do want to stress, we transferred a half a million dollars and nothing was printed in the Tribune. That's big news. That's a step in the right direction for our community. We did something right. We did something good, and the Tribune never reported it, but yes, they'll use page after page of various quotations and other data to report on our community in a negative way and then ice the cake with the innate editorials. I just think it is so unfair for our town and for our people. We're better than that. All of us. We are all better than that. Better than what your fellows there at the Tribune are

reporting. It's to the point where I would really like to come over and pay some people a visit to discuss this even further. That's all I have to say.

President Marino: Thank you, Mr. Papalas.

Mr. McCormick: A question for Neil. Neil, do we do maintenance at the park and rec or is the city truck over at the Iowa Street playground? The reason I'm asking is we have a tree branch about this big around that fell down and it's laying right across and I think we've been cutting the grass up there, haven't we Ralph?

Mayor Infante: Yes.

Mr. McCormick: Well, they cut grass in that area and stuff like that, so I thought they could take a look at it. Also, take a look at the tree and make sure it isn't rotten so that something else doesn't fall and hurt somebody that is playing there. If it looks like it's dangerous, maybe we should take it down. If they would check it, I would appreciate it. Thank you.

President Marino: Thank you, Mr. McCormick.

Mr. Pezzano: I just want to thank all the department heads. I think I pretty much went to everybody in the last month. I see Mr. Vigorito is here. Mr. Burke, I want to thank you guys, and all the heads. Thanks again.

President Marino: One final thank you to the administration for taking care of the mausoleum. I saw the sign when I was going to work today as they were starting the work so --

Mayor Infante: They completed it.

President Marino: Oh, they're done today. Great. Thank you very much for getting that done. I know there are families who are very appreciative of that, Ralph. Thank you.

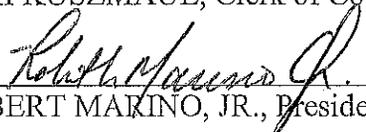
Mr. Papalas: That would be a nice thing to report in the paper, also. A positive thing.

ADJOURN

It was moved by Merlo, seconded by Giancola to adjourn the meeting.



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council