

MINUTES
March 18, 2015

Niles City Council held its regular meeting on March 18, 2015 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-A, Marino-P

President Marino: Let the record reflect that Councilman Pezzano is on his way and he will arrive shortly.

It was moved by Stredney, seconded by Merlo to accept the Minutes from March 4, 2015 and place them on file.

Motion carried.

President Marino: Let the record reflect Councilman Pezzano has arrived.

REPORTS AND COMMUNICATIONS

None

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mrs. Miller: I have in Austintown. I have two houses in Niles. Every time there is heavy rain, the sewers back up at both houses. It never happened before they built the school. This is on 312 Brown Street and 27 E. First Street. So something has to be done with the sewer. This is the third time I have been here in the last three years because of this problem, so I don't know whether the sewers need cleaned out, but there was not a problem until they built the school. So something's wrong with the sewer system between the school and those houses, those residential houses.

President Marino: Neil, are we aware of this?

Mr. Buccino: This is the first time I have been made aware of this. I can make a call out there and find out.

Mrs. Miller: I know the last time I was here they had had a problem with the pumping station on the corner and they said they had fixed that, but then there was flooding after that too. Something needs to be done. Like I said, it is definitely sewage. It is not surface water. It's sewage because you see toilet paper, all kinds of things, so you know its sewage that is backing up. These basements are being storage tanks for sewage. So something needs to be done.

President Marino: If you call the Mayor's office and give Neil a chance tomorrow and Friday or Monday, after speaking to the service director, he can help you out.

Mrs. Miller: Ok.

Mr. McCormick: Did it happen recently?

Mrs. Miller: Yes. Last weekend when all the snow started to melt and you go out and look into the storm sewer and there's no surface water running in those. Those are clear, but it's coming up the sewers in the basement. Every time there's a heavy rain it happens or with all the snow melting, plus the rain on top of it.

Mr. Buccino: What are the addresses again?

Mr. Miller: 312 Brown Street and 27 E. First Street and the one on E. First is rented out and the one on Brown Street is being sold on Land Contract. Needless to say, I have both people to take care of and they have lost things that have been destroyed. Thank you.

President Marino: Thank you. Does anyone else wish to address Niles City Council?

Glenn Hickman. With regard to the discrepancies on the electric bills, what has been done recently to help us poor people out of this dilemma that's getting overcharged, double charged for the past few months? That's all I'm asking.

Mayor Infante: At this point, we think the bills are all corrected and it's all done. We're moving on to the next module and that would be to get the mail put in daily directly deposited into the bank.

Mr. Hickman: That new system is intact?

Mayor Infante: Yes. All 13,000 bills were verified by hand. This is about the third month and we think everything is on line right now. The bills going out are 30-day bills.

Mr. Hickman: I had a double bill last month. It was a shut off bill.

Mayor Infante: The one bill was paid but it didn't show on it.

Mr. Hickman: Well, my bill was sitting for two weeks in a basket. Now this bill is like a double bill also.

Mr. Buccino: Sir, it was not a double bill. The first batch that went out was due like March 15 or 16th so they're right back on schedule where they're supposed to be with each batch. From now on, the first of the month your bill will be due. The bill that is due now is April 1st. After that bill is paid that we read every month, then the bill will be due at the same time. The rotation is there.

Mr. Hickman: All right.

President Marino: Anything else, Mr. Hickman?

Mr. Hickman: No.

Mr. Buccino: If you have a problem, please come in the see me.

President Marino: Committee reports? There being no committee reports, would the Clerk please present tonight's legislation?

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ____ (Draft No. 06-15)

A RESOLUTION APPROVING THE CONTINUATION OF THE INVESTMENT POLICY FOR PUBLIC FUNDS, ORGINALLY ADOPTED BY RESOLUTION NO. 22-11; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic to give this resolution its third reading.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No. 06-15.

YEAS: 7 NAYS: 0

Draft No. 06-15 has been adopted on the 18th day of March 2015.

RESOLUTION NO. ____ (Draft No. 08-15)

AN ORDINANCE CREATING THE POLICE CPT FUND; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic to give this resolution its third reading.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No.08-15.

YEAS: 7 NAYS: 0

Draft No. 08-15 has been adopted on the 18th day of March 2015.

RESOLUTION NO. ____ (Amended Draft No. 09-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WASTEWATER TREATMENT PLANT DESIGN AND IMPROVEMENT FUND TO THE WASTEWATER TREATMENT PLANT'S DESIGN AND IMPROVEMENT FUND'S CONSULTANT FEES ACCOUNT; AND, DECLARING AN EMERGENCY

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

Mr. McCormick: The amendment to this was simply an adjustment on the amount which included a previous amount not paid on the last one. So you'll notice from the last reading to this reading an increase of \$3,500.00 and that's all money that has already been appropriated by OWDA.

President Marino: On that OWDA loan, it's zero percentage that we have, right?

Mr. Catanzarite: No, sir. This one is 4.3%.

President Marino: So there's interest on the design phase. When do we have to start paying that back, Chuck?

Mr. Catanzarite: I can answer that sir.

President Marino: Go ahead.

Mr. Catanzarite: January of '16 and there is no interest until that time.

President Marino: So in '16 we start accruing the interest? Then when we start building it, -- we start building it in '16?

Mr. Catanzarite: The intent is to take that loan and roll it with the 0% and 2% and basically refinance the whole thing and that's been what the game plan has been from the offset.

President Marino: I'm sure they're aware we're in fiscal emergency and aware of all of that? That's one of the reason I --

Mr. Catanzarite: We are meeting with the EPA tomorrow and having more discussion on this.

President Marino: I just want to make sure we are able to pay for this. I have great concerns about that. I want to make sure we are on top of it. I know we all are, but I really want to be on top of it. Thank you Andy for all you hard work. I really appreciate it.

YEAS: 7 NAYS: 0

It was moved by McCormick, seconded by Papalas to adopt this Draft.

YEAS: 7 NAYS: 0

Draft No. 09-15 has been adopted on the 18th day of March 2015.

RESOLUTION NO. ____ (Amended Draft No. 10-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND AND IMPROVEMENT FUND TO THE SEWER DEPARTMENT'S CONSULTANT FEES ACCOUNT AND, DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Giancola to give this resolution a second reading.

YEAS: 7 NAYS: 0

Amended Draft 10-15 has received its second reading.

ORDINANCE NO. ____ (Draft No. 12-15)

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH KLEESE DEVELOPMENT ASSOCIATES, FOR A NON-DRILLIG OIL AND GAS LEASE FOR VARIOUS CITY STREETS

Mr. Papalas: Mr. Chairman, I would like make a motion that we table this ordinance for further discussion.

It was moved by Papalas, seconded by Pezzano to table the ordinance.
Motion carried.

MISCELLANEOUS REMARKS

President Marino: Gentlemen, I would like to remind you to please make sure you file your ethic's forms if you have not done so already. It is very important that you get that done.

Mayor Infante: Just to give you a little report on the billing office. Last month the auditor alluded to where everyone should be and we told you we had a lot of mail there. I can report to you that the first half of March has exceeded January and February, so we're on target compared to last year at this time.

Mr. Papalas: Are we all caught up on what was on there?

Mayor Infante: Yes. It's all caught up and like Neil said, the bills are back on target. So that part of the process is done.

Mr. Papalas: Thanks for the update.

Mayor Infante: Now, the next phase will be to pay the bill online. Within a week or two, you'll be able to just go on line and pay your bill. And the high speed scanner for the mail – when people pay their bills every day and all the mail comes every day and they run it through the scanner with the bill and check and it goes directly to the bank. That's the next phase.

Mr. Merlo: That is scheduled for April 6th to begin training.

Chief Danielson: I wanted to update council that the last of the equipment from the FEMA grant that we got last year. We received 20 sections of hose on Monday. New jaws actually came in at 3:00 this afternoon and we'll have them on the substation trucks.

President Marino: Also, Chief congratulations on your official appointment. The interim status is off, so now you own it.

Mr. Nader: I handed out the letter today reiterating what we said last week. The Mayor now has information for the income that has been coming in in March, so when March is through, I'll be giving you another letter just for an update.

Mr. Hess: Gentlemen, for you information, House Bill 440 actually changed the name of a couple of our bridges. The Robbins Avenue bridge that was just replaced is now going to be called the "Persian Gulf Veteran's Bridge" and the viaduct is now going to be called the "Iraq and Afghanistan Veteran's Bridge." These were house bills that were sponsored by Capri Cafaro and Tom Letson and Sean O'Brien and I'm sure the veterans appreciate that and I'm sure it's something that they supported for this. We've been notified and we will be changing the signs – actually we'll be installing signs on those bridges and it will take place starting Monday that it will be official. So the signs will be up and those will be the new names of the bridges.

President Marino: Thank you, Mark.

Mayor Infante: Just to add to that Bob Marino, Sr. is in charge of it and he'll have – we're going to have a grand opening in May on both bridges for those veterans to rename them.

Mr. Papalas: Just one thing that I wanted to say to the Fire Chief. I'm embarrassed to say that last Friday morning I accidentally set off my fire alarm and on the way to the campus. I got the

phone call and I had to turn around and come all the way back and there were three fire trucks in front of my house. The firemen were in my driveway waiting for me. Of course, my neighbors called me and so forth when I was on the way. I just wanted you to know that the firemen acted with great professionalism. My neighbors and I appreciated their professionalism and the way they came out and so forth. I'm sorry I put everybody through that.

Chief Danielson: I'll pass that on.

Mr. Papalas: Thank you. I appreciate that. Also, congratulations.

Mr. Giancola: I just want to congratulate you Chief.

Mr. McCormick: Congratulations Chief.

Mr. Stredney: Chief, congrats.

Mr. Merlo: Two things. Congrats Chief. Mr. Swauger, the last meeting we talked about the delinquencies in taxes. Is there a way that you can put something together for council on the collectability of those delinquencies?

Mr. Swauger: Yes.

Mr. Merlo: How far out they've been. If there's going to be a chance for us to collect those because you did say that some of those have been out for years, so what's the chances of us getting that money?

Mr. Swauger: There's some that date back to '76.

Mr. McCormick: 1976?

Mr. Swauger: Yes. I'm not allowed to take them off the books unless council authorizes it. But what I can do is give you guys a breakdown by year of what's tax, what's penalty and what's interest by year. It could be included with the monthly income tax report.

Mr. Merlo: I think that would be good. Something that we can look at.

Mr. Swauger: It will show you what's delinquent and how far back.

Mr. Merlo: With those delinquencies and the financial situation that we're in, what's the chance of us getting \$480,000.00?

Mr. Swauger: Right.

Mr. Giancola: When you go back all that way, is that the total that was on your report?

Mr. Swauger: Yes. That's the total --

Mr. Giancola: Is that the interest?

Mr. Swauger: Yes. That's with all debts, interest, penalties and everything.

Mr. Giancola: And this goes all the way back to '76?

Mr. Swauger: Yes. That's when we redid the software and we found all the old uncollectibles.

President Marino: Which brings up another point. Sorry. Chuck, on uncollectibles, I remember the auditor speaking to you and I years back about the way we handled uncollectibles and should they be charged off and removed from our books so that our books are accurately reflecting the anticipated revenue we can expect. Are those some of the things that we need to work on?

Mr. Nader: I would say that is something else, you know, as part of that, yes. But with the new software system in the billing, it should make it easier for us to establish aging, what's collectible and what isn't.

President Marino: Can you two please consult with the state auditors in getting their recommendations on how we go about getting uncollectibles off our books so our records more accurately reflect what the financial status of uncollectibles truly is because I know we had that – go ahead Mayor.

Mayor Infante: Well, we spoke with OSS today and that's one of the things I brought up with them. What we want to do is we want to compile all of the delinquencies in billing that goes back to whatever and they said they can go back 40 years. So we want to compile that list of billing, give it to them and they can report back to us what is uncollectible and write it off.

Mr. Swauger: A lot of mine needs to be written off.

Mayor Infante: Yours has seven years.

Mr. Swauger: Yes, but I'll break it down and I'm meeting with the auditors Friday morning so I'll ask them about it.

President Marino: Just make sure that all the arrows are in alignment on this so that we don't have issues. That's a good idea on that, Ralph. Chuck, on your next auditor's report, are you -- now that the books are reconciled --able to put revenue versus expenses? That report we used to get? Are you comfortable providing that?

Mr. Nader: You mean showing how much – I have no problem providing that.

President Marino: What I'd like you to do is to pick up on what Steve asked for months ago, just to work with Nita and Tim to come up with a document that reflects what Steve was asking for, but also is in alignment of what the software will provide. In addition to that, I would like a copy of the check runs when that system is fully operational which should be in April, I believe we

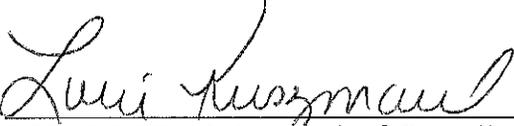
were told. So I want that for all of council to be accepted as a report from your office, if you would be so inclined to provide that, I'd appreciate it.

Mr. Nader: Yes.

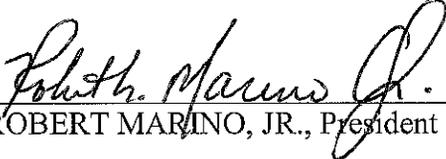
Mr. Pezzano: Congratulations Chief.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council