

COUNCIL MEETING MINUTES
September 16, 2015

Niles City Council held its regular meeting on September 16, 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-P, Marino-P

It was moved by Stredney, seconded by Pezzano to accept the Minutes from the September 3, 2015 meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

None.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Bo Marchionte, 1339 Clinton, Niles, Ohio. I have a statement that I would like to make real quick. As the president of the union in Niles, I'm going to make sure that we do everything possible on our behalf to get the income tax passed. I'm also going to our members and it's kind of like the movie "It's a Wonderful Life," you know Potter takes the money – I'm not saying anybody takes the money – but when Potter took money from Bailey, the savings and loan was about to go under and everybody was trying to get their money out of the door, everybody wants exactly what they're owed. There's a point where we are working with the administration to avoid layoffs. That kind of leads me to the next thing. All three unions, fire, police and (inaudible) are dealing with Clemens and Nelson. We don't know how they got here. We do know we want them gone. I stepped in as president in May and I basically have spent the last three months or so doing a giant circle to get right back where I started. My first meeting with Clemens and Nelson they basically said you get nothing and in both this town, (inaudible) Right now –

President Marino: Bo, we cannot discuss negotiations.

Bo Marchionte: I would like council to take a deeper look at what they're doing. They want to take everything from the workers. We didn't appoint them. They came from somewhere. Either council or administration, but they came from somewhere and they have to go. If not, then we have to do what we have to do. If you guys want to sit up there, and we want you to sit up there,

but if you want to continue to sit up there, you're going to have to work with us and getting rid of Clemens and Nelson. That's all I have to say about it.

President Marino: Thank you. Anyone else wish to address council?

Rich Bailey, 1476 Butterfield, Niles. I have two comments. One is about Clemens and Nelson. With the city's financial straits that they are in now, you're indebted over \$17,000.00. Other contracts were supposed to be resolved. Some of them are unfair labor practices. My understanding is they have a 30 day cancellation notice from the city or else the contract renews on its own. I think that city council should take minute to reflect on that and make a decision. Let everybody know how you side. Whether you want to spend another \$17,000.00 or whether you use that money to keep an employee. The second thing is RITA came up. I think we should talk more about it. Bring more income tax to the city. Whether it brings in a dollar or \$100,000.00, I think city council needs to explore that. Worst case scenario is you try it and don't like it, you can get back out. Best case scenario you sign up for it, it brings in \$3,000.00 or \$4,000.00. I would like to thank city council for letting me speak.

President Marino: Thank you. Anyone else wish to address city council?

Bo Marchionte: I have one more thing. Getting back to before, since Ralph was Mayor, we have always negotiated with him and terms of getting the contracts finalized. There are amendments made by the state, something that follows something or not (inaudible) the Mayor has always worked with us to get the contracts done and now we have to work with a third party. Again, there are no cost savings. In the end, we are not being (inaudible). We spent four hours talking about the words (inaudible) shall or may. Using may or shall. That's the kind of things we are dealing with when we are dealing with them. They know, fire knows and we know we are not getting anywhere. I would like to work with Ralph and the administration to get these contracts resolved.

President Marino: Anyone else wish to address council? There being none, committee reports.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 69-15)

AN ORDINANCE CONTINUING THE MORATORIUM ON THE AUTHORITY OF THE BUILDING AND ZONING INSPECTOR TO ISSUE NEW ZONING, BUILDING OR OCCUPANCY PERMITS FOR SEXUALLY ORIENTED BUSINESSES WITHIN THE CITY OF NILES, OHIO UNTIL MARCH 31, 2016; AND, DECLARING AN EMERGENCY

It was moved by Giancola, seconded by Lastic to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Pezzano to adopt this Draft No. 69-15.

YEAS: 7 NAYS: 0

Draft No 69-15 has been adopted on the 16th day of September 2015.

RESOLUTION NO. ____ (Draft No. 70-15)

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 Stredney to give this Draft a first reading.

Mr. McCormick: In talking to Andy, by the time this comes before us again for a second reading there would be an adjustment on this amount owed and it should come down in the neighborhood of maybe \$9,000.00. So when we see it the next time, this amount should be less.

YEAS: 7 NAYS: 0

Draft No. 70-15 has received a first reading.

MISCELLANEOUS REMARKS

President Marino: The Mayor did ask to be excused this evening. A motion is in order to excuse the Mayor.

It was moved by Stredney, seconded by McCormick to excuse the Mayor from council meeting. Motion carried.

Andy Catanzarite: Yes, sir. For those who are here who do not know me, I am Superintendent of the Wastewater Treatment Plant and I know you have read articles in the paper where we are spending a lot of money to upgrade the plant to meet the requirements by the EPA. To update you, we had our bid openings last Friday and the estimated bid was 31 million dollars and we are very fortunate that it came in at 28 million, so we are 10% under which very seldom happens and

we are very happy about that. We are working with the law department at the EPA and we are again as we said before in council, we have to fast tract in order to get our loan money. We are hoping by Friday to have a letter drafted by (inaudible) to submit to the EPA and then report back to the council.

President Marino: Andy, can you make sure you touch base with the Mayor and the Service Director and Nita and Tim regarding the issue with the Fiscal Commission and the bonded indebtedness so that we cover all our bases?

Andy Catanzarite: Yes, sir.

President Marino: Thank you.

Mr. Stredney: One question. As far as Clemens and Nelson, who actually brought them in? Was it through the Mayor or through the auditors because I don't think we voted on them, right?

President Marino: No, you did not.

Mr. Stredney: We have all three unions here asking us to – or the Mayor's administration to consider – is that an option? I don't know.

President Marino: With respect to negotiations, I don't think it's appropriate that they be discussed here. I would defer to our city law director relative to the manner in which the administration would have to change who is the chief negotiator for the city and if that's the desire of the Mayor, he by all means could make that decision. I met with union officials, and I'm speaking strictly for myself, I met with Mr. Santell and we had this discussion before because I myself was being blamed for them coming in. I have told many, including you Bill, that I believe that we should have an attorney with the administration, be it Terry Dull, be it Matt Blair, be it the man on the moon, it makes no difference who it is. As I told you in that meeting and I'll tell everybody in this room, I never heard who Clemens and Nelson were. I wouldn't have known them if they were sitting here. The fact of the matter is, the decision with selecting the chief negotiator for the city rests with the Mayor and I would be saying this if the Mayor was sitting right here. As a matter of fact, I sent an e-mail to the Mayor of which all of you received attesting to that fact. If there is a need to change the manner in which the city is negotiating, that authority rests with him. But I accept responsibility for my positions and I say them publicly. I don't run from them. I don't hide from them. We can agree to disagree as we had during that nice conversation with Bill that day. As an elected official, I am entitled to my viewpoints and in my job, we do have an attorney accessible to us and sometimes with us not only to protect us but to protect you because sometimes, Bo, the words "may and shall" have big impacts in contracts. Now, four hours, that's a bit laborious I grant you that, but in terms of who picked Clemens and Nelson, we can point fingers all day long in here. The Mayor, acting in his official capacity, is the individual. Council cannot make the Mayor do anything. All of you know that. We can't make the Mayor do anything, so that's my position. I don't want to speak for any members of council. If you feel strongly, by all means he can exercise whatever provisions are afforded him to do so. Beyond that, I am very hesitant to allow discussions dealing with negotiations going on

to not only protect us, the city, but to protect you, the union because you folks all have rights too. So, Ed, I don't know if I answered, but that's where it's at.

Mr. Stredney: Okay. Thank you.

Captain John Marshall: May I say something?

President Marino: You can't unless they grant you permission. Do you want to grant him permission to speak?

It was moved by McCormick, seconded by Pezzano to allow Captain John Marshall to address city council.

Motion carried.

Captain Marshall: Just for clarification. With respect to the actual services that they are providing, what is happening is they are billing at \$140.00 per hour for a minimum of four hours and where we're at now is actually somewhere well beyond \$17,000.00; probably between \$20,000.00 and \$30,000.00. The previous city auditor wasn't able to produce all of the bills that were paid to Clemens and Nelson. The biggest problem is that at some point the city entered into a contract with Clemens and Nelson, which is a self-renewing contract. You have a window during the final 30 days of the contract, which is starting October 1st and running through the 31st. As of November 1st, that contract self-renews for another year. I think why this is being presented here is because in the financial interest of the city and you vote on spending, by not addressing the issue you may be authorizing the spending of that money to Clemens and Nelson again. So you would be authorizing funds simply by not addressing the self-renew contract.

President Marino: Well in and of itself concessionary contract negotiations are very contentious and brutal regardless of that fact and that is what this is.

Captain Marshall: I'm not talking directly about negotiations. I'm talking about the city's responsibility to pay their bill for another 12 months if some adjustment isn't made by some representative of city government to pay, we are either continuing or not continuing.

President Marion: You are talking about appropriations?

Captain Marshall: No, because if you don't tell them we would not like to continue our association with them in writing, otherwise we're on the hook for another 12 months.

President Marino: Oh, I know what you mean. Thanks John. I thought you were talking appropriations.

Mr. Pezzano: Just an update, we had a concerned citizen come to the last meeting, and she's not here tonight, but we were asked for an update and we had an area in the 1st ward and she was concerned about Old Forge and with the help of Mr. Crowley and the Niles Police Department, and I've talk to her several times and Mr. Papalas has talked to her several times, and as of the

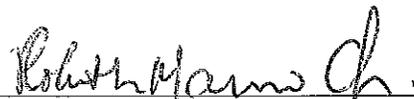
last time we talked, she was happy with what's going on and I want to thank everybody for helping. Thanks.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council