

## COUNCIL MEETING MINUTES

February 3, 2016

Niles City Council held its regular meeting on February 3, 2016 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, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

It was moved by Steffey, seconded by Pezzano to accept the Minutes from the January 20, 2016 regular council meeting and place them on file.

Motion carried.

### REPORTS AND COMMUNICATIONS

**FROM** The Ohio Division of Liquor Control

Notice of legislative authority of Noor Petroleum Corporation, 5020 Youngstown Warren Road, Niles, Ohio.

It was moved by Steffey, seconded by McNaughton to refer the permit request to the police chief and safety director for their report and recommendation.

Motion carried.

**FROM** The Niles City Auditor

Expense Report from 01/01/15 to 12/31/15

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

Motion carried.

**FROM** The Niles City Auditor

Revenue Report from 01/01/15 to 12/31/15

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

President Marino: John, are there any anomalies in here?

Auditor Merlo: Nothing different from the Fiscal Commission meeting. We just haven't had a meeting to share this with council. That's what all these reports are.

President Marino. Right. Okay.

Motion carried.

**FROM** The Niles City Auditor

Statement of Cash from Revenue and Expense from 01/01/15 to 12/31/15

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

Motion carried.

**FROM** The Niles City Auditor

Check Audit Trail from 12/01/15 to 12/31/15

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

**FROM** Police Chief Robert J. Hinton

Letter to Captain Orr removing him from the TAG Drug Task Force due to City Fiscal Emergency and pending layoffs of police personnel

It was moved by Steffey, seconded by Marchese to accept the letter and place it on file.  
Motion carried

**FROM** Acting Police Chief Jaisan Holland

Letter to All Niles Police Department Employees regarding temporary emergency operational changes

It was moved by Steffey, seconded by McNaughton to accept the letter and place it on file.  
Motion carried.

#### **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

Andrew Bickerstaff, 38 Main Street, Niles, Ohio. I have lived in the City for 34 years. I graduated and everything else. I'm one of the Niles Firefighters that was recently laid off. When it came to inspecting all the new construction that happened in the City over the last couple of years since I've been here I was the guy who inspected those buildings because I'm one of the few inspectors that we do have. Myself and Greg Riley are the only two active inspectors that we have in the department. When it came to picking up a six month old baby that was lifeless and getting him in the ambulance, I was that guy too. When it came to saving some of the numerous overdoses that we had in the City, which were a total of 70 this year 2015, I was that guy too. When it came to going 30 feet deep into the sewage holding tank for Mr. Catanzarite because I'm okay in a confined space, I was that guy. When it came to getting 51 hours of mandated CE because the State requires me to do that for all the education that I have, I was that guy. When it came to doing the Fire Academy with Mr. Pezzano and Mr. Steffey, I was that guy. These guys know how hard our job is. They did what I did. They saw how stressful it can be and now that the City is in a budget crunch, I'm that guy that gets laid off. I strongly advise against this. We need every one of our firefighters that we have and this case study, which I'm happy to hand to the Mayor and anyone else that wants to see it, it says on a 2,000 square foot house, you're supposed to have 15 guys effectively and safely fight that fire. Granted, we only have 9 on a shift, but 9 is a heck of a lot better than what we are going to have. There's only 3 right now and I've heard there a lot more coming. I strongly advise against that. That's all I have to say.

President Marino: Thank you, Mr. Bickerstaff.

Mayor Scarnecchia: Sir, we know you're a great firefighter so are the guys that were laid off in the other departments, but when this agonizing decision had to be made, we realized we have to go from low seniority.

Mr. Bickerstaff: Mr. Mayor, I understand the seniority aspect. You ran your campaign on the basis, and I heard it time and time again and I heard from you, Mr. Hogan and Mr. DePasquale the entire day on Election Day, you assured everybody that the safety forces would be the absolute last that would be touched. You said the City would have to almost close down itself before you lay off safety forces. Now the State comes in and they say you don't have to lay off safety forces unless the levy fails. We're before the levy and I'm laid off without a paycheck. I've got 3 kids. What now?

Mayor Scarnecchia: Sir, we are now in such a deep fiscal emergency that the State is saying either we have to come up with over a million dollars or what can happen? They can take over. I don't want the State to take over and I don't think you do either.

Mr. Bickerstaff: Absolutely not.

Mayor Scarnecchia: We are hoping that there is something great so that we can have everyone back. We do not like having you being laid off and I called you and I told you that I know you have a family, but if you have any type of problems to call and we will help everyone that's laid off.

Mr. Bickerstaff: I understand that Mr. Mayor, but that can only do it so far. I'm hearing talks of more lays off coming down the road, 2 or 3 more guys. You can only stretch that buck so far.

Mayor Scarnecchia: I know. I wish I had another answer for you right now, but I don't.

President Marino: Anyone else wish to address Niles City Council?

Amy Cantola, 208 Vienna Avenue. I do feel for the firefighters. I want to know back in 2010, May, the City of Niles received a SAFER Grant for the Fire Department in the amount of \$240,000.00. Can anybody tell me what happened to that? Because I don't believe they got it. I think it went back.

Mr. Bickerstaff: I can address that matter because myself and Chris (inaudible) were hired under that SAFER Grant. That SAFER Grant was to cover wages and health benefits for two full years. At the time we were hired we were told we were hired under the SAFER Grant and that grant was turned back in and that money was never used and appropriated from the State. Hopefully, that answers your question.

Ms. Cantola: Are we able to apply for another one because these guys are getting laid off. If this money can help bring them back, is there any way we can apply for another grant or is it too late because they'll say you turned it back in so you didn't need it anyway?

Chief Danielson: Amy, we apply for that grant every year.

Ms. Cantola: Every year. Did it hurt us by sending it back?

Chief Danielson: My personal opinion, yes.

Mayor Scarnecchia: I would like to add that the grant writer position was totally eliminated and demolished. We don't have a grant writer for the City so we're looking into other options which we hope we'll be able to do. It's hard to run a city without a grant writer.

Mr. Cantola: I'm sure it is and I think one of the firemen or a couple of them also have (inaudible)

President Marion: Please state your name and address for the record.

Wanda Burns, 562 Wyoming and I have two comments. One, and please don't take this personal, but it's not just Andy that will be affected. Of course, Andy will not be getting a paycheck and it will be Andy who doesn't get the medical care or the police help or a fire truck there for his house if it's on fire. Every one of us in this room are at increased risk of being that person and it's real. It is real and I know a lot of people don't agree with how things have been run. I for one have to become more involved in how that is, but there is no choice but to pass this levy or you're accepting that risk. You're increasing your chance of tragedy to one of us, so it's not just about the lay-offs. It's reality. We all talk about what would happen in the worst times and I fear that it might be coming. My second question is under the Draft Ordinance 03-16, what does the word "indefinitely" mean? Can somebody explain this position? Is it two part-time positions becoming a full-time position? Did the position as it was include hospitalization and other benefits? Does it now? Can someone explain that?

Mr. Dull: Yes. Wanda, the bailiff was a full-time position before. The probation officer, I believe, was also a full-time position. At one time it had been part-time but made full time and the bailiff that was there was unable to work for a period of time so the Judge back in the summer combined the two jobs into one. So instead of having two sets of benefits there is just one set. The reason that he is using the word "indefinitely" now is the first ordinance said this was only going to go through the end of 2015. Rather than coming back every 6 months to extend this again, he decided to leave it on indefinitely and keep the two jobs combined into one. If there's a change down the road, then we can discuss it then. This way there won't be a need to keep coming back to redo this ordinance every so often.

Ms. Burns: Isn't indefinitely the same word as forever?

Mr. Dull: Well, this —

Ms. Burns: It's a question.

Mr. Dull: Not necessarily.

Ms. Burns: But couldn't it mean that? You're an attorney. You're fighting for this in court, what do you say? Is indefinitely forever?

Mr. Dull: I'd say what the Judge is doing is saving money for the court and that's what this is continuing to do.

Ms. Burns: Could he save it without that word? If you took that word out of this ordinance, would it still save the same amount of money?

Mr. Dull: Certainly. Then you have to put more words in to say how long will it go.

Ms. Burns: So just so I understand, these two positions, was there hospitalization and various benefits with them as of December 31<sup>st</sup>?

Mr. Dull: Well, at that point, again the jobs were combined at that point so there was one set of benefits.

Ms. Burns: And one person was doing both?

Mr. Dull: Correct.

Ms. Burns: So we have one person getting benefits through the city for both jobs?

Mr. Dull: Yes, and again we had done that back last summer and it is still going forward now.

Ms. Burns: Thank you.

President Marino: Would anyone else wish to address Niles City Council?

Ralph Cartino, 26 Belmont Avenue, Niles. When I moved into Niles I was convinced I had come to a beautiful city and I have seen it deteriorate. My first (inaudible) I was told by a councilman, "Are you a lifelong resident of Niles?" I said, "No." He then told me to sit down. I've been in the city for the longest part of my life. I still wasn't born and raised in Niles, but I have a lot of issues. Tonight I'm here to support the police and fire, but I have a lot of issues and one of them is our rentals in Niles. Last time I heard it was over 54%. That's more than the people that actually live and born and raised in Niles. How long are we going to keep rentals, rentals? Our zoning, Mr. Crowley, is doing a super job taking over. I've been dealing with him on some house issues next to me. I just found out that a house on the corner where I live wasn't registered in Niles as a rental property until recent. How many more of those do you have in Niles? And I have nothing against rental people. I used to rent for many years until I was able to get a home. I love this city. I want to see it back to how it was. Thank you.

President Marino: Well, Ralph I have known you my whole life and you have known me my whole life. You raised your family here so don't ever feel like you're not a lifelong resident because you are.

Mr. Cartino: Like I said before, I have been here since I was 29 years old.

President Marino: There are opportunities you are going to have with some community groups to get involved and helping us solve problems regarding housing and if you're working with Mr. Crowley, he will explain to you the ways in which you can become involved with some grants that some groups have gotten, so we look forward to working with you.

Mr. Cartino: If I may, how (inaudible) they took 5 tons of garbage. They had two dogs that were in that house for 2 ½ months and that's when I called you. If you go by that house, the smell in that house as is – now there's people that don't have money to buy that house (inaudible) they are not going to be able to sell that house. You cannot get that smell out of wood. I want to be on that committee. I want to be there.

President Marino: Mr. Crowley will inform you how you can get involved. Would anyone else wish to address council?

Mr. McNaughton: Can I ask Mr. Crowley on the question on the 54% number. Is that true?

Mr. Crowley: It's not true. We all feel that, but based on numbers from YSU and Trumbull County Auditor, including rental homes and including apartments, we're at just under 37%, which is about the national average. It might not feel that way sometime, but those are YSU numbers and Trumbull County Auditor.

Mr. Pezzano: Just so you know, in the past year the past Safety Service director brought it to our attention about rentals. We had a roundtable on it and with the new administration coming in we wanted to wait until after the new year, so we haven't been able to have a meeting yet about the rentals so it will happen in the future with the help of Mr. Crowley and Mr. Vigorito, I believe we will try to resolve this.

Mr. Cartino: Well, the other night at the same house there were 8 teenagers playing basketball. 10:30 to 11:00 I woke up and they were playing basketball and woke me up. You know me, I will go up there (inaudible) I called down town to have somebody go down there. I know it was the shift change, but it wasn't until 20 after 11 that the police showed (inaudible). Do we have any type of protection during the shift changes? These are the questions I want to ask. I'm not here for that tonight, but I am a peaceful man, I do have a concealed weapon carry and I do not want to walk in my yard with my gun of my side cutting my grass when these policemen get laid off. I don't want to do that. I was told by a highway patrolman that if you have a concealed weapon carry you better start carrying. I was told that. Anybody that has that –

President Marino: Ralph, what I would like you to do, I have known Mr. Hogan a long time and he's our new Safety Director. Paul is very accessible. Paul is a very easy person to talk to. I would encourage you to come down and sit with him and discuss all of your concerns and allow Paul an opportunity to help navigate you through. I would ask that you would consider doing that.

Mr. Cartino: Well, we're going to be in trouble if we have more lay offs.

President Marino: Ralph, we are already in trouble. We're in trouble now, Ralph. We are in trouble. And Wanda, I agree 150% with you. The income tax is critical to the viability of this city.

Mayor Scarnecchia: You know I think I sense that almost everybody in here and we sense it too the frustration that we have with the City. You people love Niles. We all love Niles, but there has been so much bad rumors to much terrible things going on and I don't even know that I want to get into and now with the fiscal emergency we are frustrated. We now have to get up and get it by the boot straps and we have to bring this town back to where it was and it's not going to take a Mayor and administration or 7 councilmen, it's going to take all of you to help bring us back. If you love Niles, let's do it. That's all I have to say. Thank you.

President Marino: Would anyone else wish to address Niles City Council?

Pete Mollica, 471 Bonnie Brae. I represent AFSCME and we were (inaudible) and the number one complaint that I have is that the cutbacks should start at the top. It would make it a little easier. You guys always want to have a meeting and want us to do what we can to help you. You're always saying, what can you guys do to help us? It should start with you guys. You want us to (inaudible). It starts with you guys.

President Marino: Thank you Pete. Shawn.

Shawn Crank. You guys got a letter today from the Acting Chief Holland about changes in the police department. That's not going to be discussed tonight? Is everybody going to know these changes? I know how this works, you have to ask the question now or you don't get a chance for rebuttal later. So are we going to discuss it or tell the people what is going to happen?

President Marino: The way it works Shawn is when we call upon Acting Chief Holland, he will have an opportunity to point everything out.

Mr. Crank: I just wanted to make sure.

President Marino: That's a great question and I appreciate you asking it. Your name and address for the record please.

George Kuriatnyk, 1200 Mason Street. This question is for Mr. Bickerstaff. Didn't you guys take a cut in October, November and December?

Mr. Bickerstaff: We took concessions November and December –

President Marino: George, we are not going to – you have to direct your questions to council.

Mr. Kuriatnyk: Ok. How many rehires do we have in this City? Why can't those guys go and call these people back. They are already getting their pension. They can go. They don't belong here anymore. There's a lot of money that could cover these guys. If they would just take their

pension, you have guys like this who could go back to work. Those are the guys taking your job. It's not the Mayor. These guys are. These guys are getting a pension plus a paycheck. I'm fed up.

President Marino: We respect your right to your opinion and in these chambers we allow people to voice their concerns. We do not permit the attacking of one's character. I respect your right to voice your viewpoint. Do you have a question?

Mr. Kuriatnyk: Have they been asked to –

President Marino: Ohio Revised Code 118 dictates that the Mayor develops the plan and it is submitted to the Fiscal Supervisor assigned to us from the State Auditor's office. The Fiscal Supervisors will approve. The plan is then submitted to Niles City Council for approval, rejection or amendment and then it goes to commission and then it becomes the blue print. It initiates and originates from the Mayor –

Mr. Kuriatnyk: These guys are getting two checks.

President Marino: Would anyone else like to address Niles City Council?

Jason Altobelli, Vienna Avenue. I was so excited for today because I got invited to a meeting and then I found out it was cancelled. What happened to that meeting, guys? Can anyone tell me?

Mr. Papalas: I'll be happy to answer that. I had neglected to notify the press or our council clerk so rather than violate the Sunshine Law, we're going to have it later.

Mr. Altobelli: Do you have the date so I can put it in my calendar?

Mr. Papalas: I'm not sure, but we'll let you know through the newspaper.

Mr. Altobelli: (inaudible)

Mr. Papalas: No, before we do anything as far as an ordinance, we are going to have a public hearing. It's illegal to do it without one. You should know that, you've been to enough of them.

Mr. Altobelli: My question is how do I ensure that I have a seat at the table?

Mr. Papalas: When we have --

Mr. Altobelli: You have to see it from my prospective. It's not just me.

Mr. Papalas: Mr. Chairman, do you want to explain that for me.

President Marino: The procedure is that council will do their due diligence and draft the ordinance. Before the ordinance will be acted upon we'll host a public hearing. The public

hearing will be well publicized. You will have ample opportunity to come and share your view point so no vote is taken, Jason, until after the public hearing.

Mr. Altobelli: But the devil is in the details when the ordinance is already drafted.

President Marino: Well, the ordinance while it's coming out of committee can be changed. That's why we have a public hearing so based on feedback from the community things can be amended, changed, kept or the same. I was over there a long time ago and we had several public hearings on West Street and there was an alley and the vacation of the alley back and forth and it took the participation of all of you folks to get the ordinance right. These council meetings are open. People can speak and those public hearings are open.

Mr. Altobelli: Those meetings with Weathersfield on Monday, what was that?

Mr. Steffey: That was the JEDD.

President Marino: That was a meeting called by Weathersfield Township that invited Niles officials to it. I didn't attend. I was unable to.

Mr. Altobelli: That was a public meeting though.

President Marino: Right and we are required by law to notify the press at least 24 hours in advance.

Mr. Altobelli: So the next meeting will be in the newspaper (inaudible)

Mr. Papalas: Yes.

President Marino: Posted by the council.

Mr. Altobelli: Again, I'll see in the paper and I can attend.

Mr. Papalas: Just like we did the last time. We answered all your questions.

Mr. Altobelli: Yes, that's why I want to make sure that at least before we make these steps, we are going to make them hand in hand and do what's the best for the community.

Mr. Papalas: Correct and we are going to make them hand in hand with both communities.

Mr. Altobelli: And I agree with that. I think we can get everything worked out for the future of Niles.

Mr. Papalas: Absolutely. We feel just like you do about this.

Mr. Altobelli: We'll see, but I'd just like to be there and make sure we are all on the same page.

President Marino: Your name and address for the record.

Betty Wolf. I'm a precinct committee person. I live in Weathersfield but I'm a Niles person. I graduated from Niles. I campaigned for a lot of people here in Niles. They will tell you about it. I was very disappointed at the last election on this income tax. You did not get out the right information. You had people standing with signs at the churches, vote for us. The cars came in and they went in and voted and no one came over to them. We need to get out to the neighbors and your citizens and tell them how the police department and fire department is essential. We need them. We can't lay them off and the only way to do it is if you get the information out correctly. You've got to get out to the precinct committee people to get out door to door like I do. I do 300 homes every election door to door. People there will verify for me. We've got to show that we need this income tax.

President Marino: Thank you. Mr. Brothers?

Dave Brothers, 412 Reynolds Lane. I've lived here about 30 years and I totally feel for these firemen and the police department. I know and understand the frustration to the taxpayers. My frustration is you come to the taxpayers to bail the city out. I can't believe you guys do this to these guys and not get the money somewhere else. I just want that on the record.

President Marino: Thank you, Mr. Brothers. Anyone else?

Mr. Cantolla, 208 Vienna Avenue. I guess a lot of us we're here last month's council meeting, but there was some questions addressed to our fiscal plan and we're working on it and it's coming from the Mayor's office. I'd just like to know are we there? Somebody has to have a plan. We can discuss and discuss, but people want to see a plan so I guess that's what I'm asking. There are a lot of questions. Where are we at?

Mayor Scarnecchia: Yes, we have finally put together a plan. Tomorrow we will be meeting with the State Auditors going over it and they will be critiquing it and if they approve it, we will take it to council next week for their approval and then we can take it to the commission. So we are finally getting there and it's a good plan. Also, Mr. Altobelli, you said that you were unhappy because of the meeting today?

Mr. Altobelli: I was concerned.

Mayor Scarnecchia: Well, you should be very happy today because you became the proud father of twin boys so we're going to have two more Altobellis in our City.

Mr. Cantolla: Just one more question. When is -- I understand you say a new plan has to go through council. When is the City going to have someone look at it or digest it to see if it has all the missing pieces of the puzzle?

President Marino: After the Fiscal Supervisors analyze and make sure that it's in compliance, the council gets it and they have to vote on that, so that's all done in public. It's done in here and

then after it's approved, rejected or amended by them, it goes to committee. Great question. Would anyone else wish to address Niles City Council?

Mike Biddlestone. I have been attending the last month and a half meetings and my question is this, I learned something a little concerning to me but I wanted to let you explain. With the Mayor's new plan moving forward, I would like a yes or no, when Council gets the Fiscal plan, is it going to be superseded by collective bargaining rights and contracts or are we going to respect the unions in the City's current contracts that are under contract.

President Marino: Before we get too far down the road, the first step is, and I'm repeating myself, that has to go to the Supervisors. Everything concerning collective bargaining, etc. originates from the Mayor, his plan. That plan then will come to Council, so I think the Mayor hears what you're saying. The Mayor cannot release any details of that plan until it has been reviewed by the Fiscal Supervisors, so to answer your question, we hear what you're saying, --

Mr. Biddlestone: If I could continue, but I'm a little nervous here.

President Marino: You're doing a good job, Mike.

Mr. Biddlestone: I just don't want to see the thing pick up that we had last month with the old administration where it was voted through at the Fiscal meeting that yes, we're going to approve this plan, but then it comes to Council and they vote yes unanimously and then violate a AFSCME contract and then we're back to square one. I want to make sure that doesn't happen.

President Marino: Well, the way that occurred was the contract was approved first and then the recovery plan, which contradicted a ratified collective bargaining item. Concerning negotiations we rely on our legal team, whoever the Mayor chooses to use, regarding collective bargaining questions and we will allow the Mayor with his legal team decide how to address what you said because of the legal matters, Mike. Those are above my paygrade and all seven of Council. That's why we have a Law Director and that's why the Mayor, as I understand it, is seeking additional legal assistance, so I can't answer that any more than I have.

Mr. Biddlestone: I was just concerned.

President Marino: We recognize that.

Mr. Biddlestone: It would be a monetary setback because of --

President Marino: Mike, I'm the one that sat down here at the end and remarked at the Fiscal Commission meeting that I don't want to see anything in that plan that is not achievable and violates collective bargaining. Those are the words that came out of my mouth sitting right there. I think the Mayor heard me quite clear.

Mr. Biddlestone: Thank you.

President Marino: Anyone else wish to address Niles City Council?

Richard Hale, Robbins Avenue. Just kind of going off what they said there, the little town we have here, probably less than 200 employees. How many unions do we deal with less than 200 employees?

Mayor Scarnecchia: Five.

Mr. Hale: Did you say five?

Mayor Scarnecchia: Five.

Mr. Hale: It just seems like there are a lot of unions in this town.

President Marino: Collective bargaining.

Mr. Hale: All right. I just wanted to know.

President Marino: Anyone else?

Paul Davis, 44 Hartzell Avenue. Am I hearing that we have departments that can't be laid off because of collective bargaining agreement? The fire and police don't have that?

President Marino: I don't think anybody said that. I believe that the Mayor has already laid off people in the AFSCME union, the fire union and the police union.

Mr. Davis: Okay because I hear protection being made for a couple of these departments and if you spend that much time on the fire and police, you would be better off.

President Marino: Point noted. Anybody else? In the opinion of the chair there being none committee reports.

### COUNCIL COMMITTEE REPORTS

President Marino: We did have a council roundtable last week with the Fiscal Supervisors. The members of Council had the opportunity to discuss matters with Nita Hendryx and Tim Linter, the two Supervisors assigned to the City and they reviewed the financials for the City of Niles. Any other committee reports?

Mr. McNaughton: Utilities Committee met last week, introductions as chairman to give me the opportunity to get to know our department heads. A lot of discussions regarding proposals to work with Lordstown. It was a good meeting.

Mr. Papalas: Mr. Chairman, we had a roundtable in Weathersfield last week with the Trustees and David Rouan, the Administrator, in an effort to discuss a possible JEDD, a joint effort for economic development of a large section of property. There are other properties in the area as

well that the two communities, Weathersfield and Niles, share. The idea is to develop an industrial base or technology base where we can have additional revenue coming into the City in the future. It is not something that can happen overnight. We can't keep going to voters for tax increases. We need to increase the revenue base and so we discussed these issues. There were questions that arose among our council members and we are going to accept these questions to see if they can be worked out and I'm hoping that in the future we could get involved with one of these JEDD's and hopefully to attract businesses to come in. That's the goal. We need to develop out economy. That's the goal.

President Marino: Thank you. Any other reports? Will the Clerk please present tonight's legislation.

### **ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO. \_\_\_\_\_(Draft No. 03-16)**

#### **AN ORDINANCE INDEFINITELY EXTENDING THE TEMPORARY COMBINATION OF THE BAILIFF AND PROBATION OFFICER POSITIONS IN THE MUNICIPAL COURT AUTHORIZED IN ORDINANCE NO. 20-15, RETROACTIVE TO JANUARY 1, 2016; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6 ABSTAIN: 1 (Mientkiewicz) NAYS: 0**

Rules are suspended.

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

**YEAS: 6 ABSTAIN: 1 (Mientkiewicz) NAYS: 0**

This Draft No. 03-16 has been adopted on the 3<sup>rd</sup> day of February 2016.

#### **RESOLUTION NO. \_\_\_\_\_(Draft No. 08-16)**

#### **A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE POLICE VEHICLE MAINTENANCE ACCOUNT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7 NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by Papalas to adopt this Draft 08-16.

**YEAS: 7    NAYS: 0**

Draft 08-16 has been adopted on the 3<sup>rd</sup> day of February 2016.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 09-16)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S OPERATIONAL SUPPLIES ACCOUNT; AND, DECLARING AN EMERGENCY**

Mr. Steffey: This is a resolution to replace the inventory. We have had several water breaks in the Water Department, thirteen I believe in a week and this is to replenish them. They are only appropriating a quarter of a year with the budget so we had to add this \$4,000.00 expenditure so they could restock before another water line broke.

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Pezzano, seconded by McNaughton to adopt this Amended Draft 09-16.

**YEAS: 7    NAYS: 0**

Amended Draft 09-16 has been adopted on the 3<sup>rd</sup> day of February 2016.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 10-16)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND AND SEWER FUND TO THE WATER AND SEWER DEPARTMENT'S TECHNOLOGY ACCOUNTS; AND, DECLARING AN EMERGENCY**

Mr. Steffey: This is being brought in because we are paying a maintenance agreement that we never paid in 2015 that was due in July of 2015 for Neptune. We split the cost between the Water Department and the Sewer Department because they are they are equally used for this maintenance program. So this will restore the service from Neptune.

It was moved by Steffey, seconded by McNaughton to suspend the rule requiring three readings.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Papalas, seconded by McNaughton to adopt this Draft 10-16.

**YEAS: 7    NAYS: 0**

Amended Draft 10-16 has been adopted on the 3rd day of February 2016.

**RESOLUTION NO. \_\_\_\_ (Draft No. 11-16)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO VARIOUS ACCOUNTS; AND, DECLARING AN EMERGENCY**

Mr. Steffey: I was going to defer to our Auditor so he can explain this.

Auditor Merlo: This appropriation is for the pension report. The pension payments that are due for 2015 in December that don't get paid until January so we needed to appropriate those and pay our pension for our employees.

Ms. Marchese: Also life insurance?

Auditor Merlo: Life insurance is retiree life insurance.

Ms. Marchese: These are all the breakdowns of what is going in there?

Auditor Merlo: Correct.

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Steffey to adopt this Draft 11-16.

**YEAS: 7    NAYS: 0**

Draft 11-16 has been adopted on the 3rd day of February 2016.

**RESOLUTION NO. \_\_\_\_ (Draft No. 12-16)**

**A RESOLUTION AUTHORIZING THE VARIOUS APPROPRIATIONS OF AMOUNTS FROM SEVERAL UNAPPROPRIATED FUNDS; AND, DECLARING AN EMERGENCY**

Mr. Steffey: This is needed to pay the labor contract requirements.

It was moved by Steffey, seconded by McNaughton to suspend the rule requiring three readings.

Auditor Merlo: That's the same as the first one for OPERS. The only one that's labor related is police and fire.

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Papalas to adopt this Draft 12-16.

**YEAS: 7      NAYS: 0**

Draft 12-16 has been adopted on the 3rd day of February 2016.

**ORDINANCE NO. \_\_\_\_ (Draft No. 13-16)**

**AN ORDINANCE MERGING THE POSITIONS OF SUPERINTENDENT OF SEWAGE AND SUPERINTENDENT OF WATER TO CREATE THE POSITION OF WATER AND SEWER SUPERINTENDENT; REPEALING ORDINANCE NO. 07-14; AMENDING THE AUTHORIZED WORK FORCE ORDINANCE TO REFLECT THIS NEWLY DESIGNATED POSITION AND ABOLISH THE POSITIONS OF SUPERINTENDENT OF SEWAGE AND SUPERINTENDENT OF WATER; AND, DECLARING AN EMERGENCY**

Mr. McNaughton: Basically what we are doing here is combining two positions. Mr. Catanzarite was Superintendent of Sewage and since he has the proper licensure and is in charge of the wastewater treatment project, it only makes sense to also give him the title of Superintendent of Water.

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Pezzano to adopt this Draft 13-16.

**YEAS: 7      NAYS: 0**

Draft 13-16 has been adopted on the 3rd day of February 2016.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 14-16)**

**A RESOLUTION CONGRATULATING PATRICK FINAN ON HIS RETIREMENT AS DIRECTOR OF THE MCKINLEY MEMORIAL LIBRARY AND THANKING HIM FOR HIS SERVICE**

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

Mr. Steffey: I have a comment. I know that we all have spent a little time at the McKinley Library, but I think it's important to take note Mr. Finan has really served this community. It's really a social center. When you go in there you have people from all different backgrounds and they are there for all different reasons and it's a melting pot. It gives people internet access that may not have it. He has brought the library through a lot of hard times through the last few years and I think it's important when somebody dedicates themselves to make this City better to recognize them for a job well done. Thank you, Mr. Finan.

President Marino: I'm sure the council will allow you to make a remark if you would like to.

Mr. Finan: Yes. I would like to thank the City of Niles and council for inviting me here tonight. It was really nice. It's really been a great place to work. The McKinley Memorial is just a tremendous place. It's a tremendous asset. I have kind of mixed emotions about leaving, but it is time to go and I'm very excited to move onto the next chapter of my life. So thank you very much. Mr. President, I would like to introduce my successor, Michelle Alleman. Michelle comes to us – she worked at the Akron Public County Library and she lives in Youngstown and has worked in libraries for 18 years. So Michelle is my successor and she will do a bang up job. I know that.

President Marino: Pat, thank you for your service.

Mr. Finan: Thank you. I really did enjoy working with you, Bob. I enjoyed working with Barry and Ryan.

**YEAS: 7      NAYS: 0**

Draft 14-16 has been adopted on the 3rd day of February 2016.

Mr. McNaughton: Mr. President, I would like to add Draft 15-16 to tonight's Agenda. Seconded by Steffey.

Motion carried.

President Marino: Would the Clerk please present Draft 15-16 by caption.

**ORDINANCE NO. \_\_\_\_ (Draft No. 15-16)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A WATER SUPPLY AGREEMENT WITH THE VILLAGE OF LORDSTOWN FOR CLEAN ENERGY FUTURE-LORDSTOWN, LLC; AND, DECLARING AN EMERGENCY**

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

Mr. McNaughton: This is a follow-up to our Utilities Committee meeting last week that you may have read there's a rather large project going in at Lordstown. Warren City Council approved their version of this last week. There are two water sources that are necessary for this plant. Warren being first, Niles being second. The 24" water lines are already installed and at the end of the day we will make money simply by turning on the faucet. Upwards on average of 1.7 million gallons a day and during a hot days they may need over 5 million gallons of water. This is win win for the City of Niles. It might not be realized until 2017 or 2018 when this facility is complete, but this one of the last pieces of the puzzle for this project to go ahead. So this is some good news tonight and good news for the future.

Mr. Catanzarite: Just briefly, like Ryan said, the lines are already there. They will maintain the lines and we won't have to touch it. I would call it a no-brainer. Like Ryan said, this project needed a lot of people to put this program together.

Mr. McNaughton: I wanted to thank council for bringing this to the floor tonight and the service director. I also want to thank the Lordstown Mayor, Mr. Arno Hill.

Mr. Papalas: Mr. President, I want to acknowledge that the Honorable Mayor Hill is here tonight. Welcome to Niles, Mayor.

Mayor Hill: Thank you. I also want to introduce John Mansell, our President of Council.

**YEAS: 7        NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft 15-16.

**YEAS: 7        NAYS: 0**

Draft 15-16 has been adopted on the 3rd day of February 2016.

### MISCELLANEOUS REMARKS

Mayor Scarnecchia: Yes. I would just like to ask Council Committee Chairmen that when you are having a committee meeting we would appreciate it if you let us know at the Mayor's office.

President Marino: There are general e-mails notifying the clerk of council, so I'll make sure that when the e-mail notification to the media goes out that Mayor your office is included on the e-mail.

Mr. Hogan: Yes. At this time I would like to introduce Acting Police Chief Captain Jaisan Holland. He will explain with regard to the lays off at the police department.

Acting Chief Holland: With regard to the layoffs and background, in 2010 we operated with a staff of 37 sworn officers. From 2010 to 2016 as officers retired the past administration chose not to replace those officers bringing us down to 32. Last week we have received notice that three of our officers are going to be laid off bringing us to the number 29 sworn officers. In 2010 our budget was 3.86 million and last year we had a budget of 3.18 million. Our staff has reduced by 20% over this time. When we got the layoff notices of three officers basically half of our midnight shift was laid off. So if we did nothing we would have two officers show up for work. That was not acceptable. We had to do something because of the layoffs, so what we have done is I sat down with Officer Bailey, the President of the patrolmen union and he was very cooperative and I was happy that he was. So we put our heads together to try to get through this time. We came up with an agreement where two of our detectives who are in our four man detective unit are going to go back to uniform road patrol. One of those detectives was assigned to the TAG Drug Task Force to investigate drug houses. The traffic officer, Shawn Crank, he's going to go back to the road uniform patrol. His job (inaudible). Part of the union agreement to save overtime to save the city some money the minimum patrol is now four officers, four cruisers no matter what, we're going to go down to three during day shift, three during midnight shift and maintain four during afternoon shift because that is our busy time. Due to the lack of a TAG officer, narcotics their house investigations will have to be suspended (inaudible) or uniform patrol officer are going to have to respond to any complaints. I don't want to get technical, but marked patrol car doesn't do much to shut down drug house. Our SRT team we spent thousands of dollars to do the training and get equipment is suspended. Due to the staffing cuts, the patrol cars cannot be used for minor calls, such as thefts, telephone harassment, identify theft so we've established lobby hours where victims of these crimes can come into the station to make their reports. It's only going to happen when our call volume exceeds our man power. We have three (inaudible) and a fourth one comes in for an i phone that's gotten stolen, that's the type of call we are going to refer to lobby. We are no longer responding to private property vehicle crashes, but if there is severe damage or injuries or hit skip is involved. Sometimes an officer may have to wait for a backup. I'm not going to send a guy to a domestic by himself so if we have to wait for Howland or Weathersfield, that's what we'll have to do. It's unfortunate, but it's the reality. Our participation in the Trumbull County OVI Task Force and the Niles High School SMASH traffic safety program is also suspended. Basically these cuts have consequences and either our operational team will have to make sure when citizens call 911

someone is going to come. There will be a patrol officer available to respond to the call. That's our top priority. Everything else is secondary in the police department. We don't want to do this, and it does not give me any pleasure to have to do this, but it is the reality that we have right now with the budget and the manpower that we have.

Mr. Dull: I just wanted to echo the comments about Pat. I've worked with him very closely over the years and he's been a very hard working Director and has done an awful lot during very difficult economic times and has also brought us into the technology age. Pat, good luck in the future and thanks for all you have done.

Mr. Catanzarite: Briefly. The water crew has been out like crazy lately especially during the month of January. One thing I would ask, please be careful when you see them out and working. If they are fixing a water break they have to pump the water onto the road to get it out of the hole and sometimes it gets icy. I've been out on sites where we people running over hoses. When you see our crews out and they have cones out and lights flashing, please slow down and give them a little bit of room. We don't want to see anybody hurt. Also, as far as the Wastewater Treatment plant, it's going along with the nice weather and we are hoping to get the project done six months ahead of schedule.

Mr. Lastic: One question of this report, minimum police officers reduced to three, what if a patrolman calls off, will we call one out?

Acting Chief Holland: Yes. I will not allow us to go below three.

Mr. Lastic: Is that overtime?

Acting Chief Holland: Correct.

President Marino: Is it budgeted?

Auditor Merlo: Overtime? No, not in the budget.

Acting Chief Holland: This will actually reduce the overtime because right now we have four man minimum manning. Now we are reduced by one (inaudible).

Mr. Papalas: Dr. Marino, following the meeting I would like to meet just for a moment with you, the Mayor, Ryan McNaughton and Mr. Armeni. Just for a moment. I would like to clarify something.

Mr. McNaughton: First, Mr. Finan, thank you. That is one of what 40 facilities in the county. A presidential memorial and library and my wife and I have worked with you on hot dog day and all sorts of other events. You will be missed. Thank you for your service. I also notice there is a safety levy town hall coming up next week. My next bi-monthly town hall is set for February 22<sup>nd</sup> from 6:00 to 8:00 p.m. at the high school auditorium. I would love to see 500 more people show up. We meet every other month and I hope you show up. Couple things. Many of us here are starting our second month on this job and I've had more people pull me aside and give me a

"I'm sorry for you." Don't feel sorry for any of us especially those of us who ran and knew. We wanted it. We signed up for it. Don't feel sorry for me or Barry or Linda or anybody for doing it. We want to be part of the solution and we need you. I love seeing this crowd here tonight. Bring two or three more people to the next meeting and then the next one because we do need you as part of this. So for the love of all things, do not feel sorry for us. Finally, my every other week pitch for this levy coming up, I'll say until I'm blue in the face and I have stats to prove it, democracy is a beautiful thing and you can vote however you want, but a no vote in March does nothing but penalize the city for things done in the past and does nothing to solve the present. The here and now is the only thing we can control. Period and we're all friends here. Show of hands of who are mad. We're friends. Are you mad? Guess what, so am I. Is anybody up here mad, ticked off? Guess what, we're all ticked off. It's give us no pleasure to have to talk about these serious issues, but it is what it is and we can bemoan the past, we can blame the people for the events in the past, but does it change anything right here and now? No. It is up to us to make this choice and I defy anybody to show me the statistics that a community with fewer police and fewer firemen is safer. I am all ears. Find me and show me the numbers. Thank you.

Mr. Steffey: I just wanted to say during a lot of these big issues, small issues still happen and I want to thank three people in the last week that have helped me in the 4<sup>th</sup> Ward. Mr. DePasquale, I have had a neighbor on Eliza complaining for eight months they have broken sewer grates and they were worried their grandchildren were going to get hurt. There's been an orange cone in there for seven or eight months. I asked him to take care of it and it was cemented back in within 24 hours. Today Mr. Crowley came into the neighborhood. I had a neighbor get in my car with his dog and have me take him around the neighborhood so he could show me some of the things that maybe I wouldn't have noticed and Mr. Crowley was quick to act and we are correcting some of these issues, many of these issues that are day to day but are still important. And Mr. Crank as a traffic officer, we are truly going to miss that. We don't want to see a reduction in staff, believe me. An integral part of what you have done is follow-up. He'll go to a house (inaudible) where you have had complaints against you and they do slow down. I just wanted to comment on all three people and thank you for helping me take care of the residents of the 4<sup>th</sup> Ward.

Ms. Marchese: I have to say, Acting Captain, after reading this, it is very upsetting. The thought that we are cutting back – we're not going to have a Drug Task Force anymore, am I understanding that correctly?

Acting Chief Holland: (inaudible)

Ms. Marchese: That is sad. That is jeopardizing the safety of our citizens. We're all upset like my colleagues said. This is something that I hope is going to change and it will be better and I hope people think about this when they go to vote and if you talk to your friends, you might think it's a joke but you listen to everybody in here and get the facts, it's not a joke. I understand what happened in the past. We all understand it and not one of us is stupid, but the problem is, do we stay in the past or do we go forward? That's what we have to think about. Anything can happen right by this paper. We cut back three people. What happens if it fails? I hear people saying, "I'm not voting for it," which I have a hard time understanding, but that's the individual's rights. It really is, but what happens if it fails and we have more layoffs? It's not a

threat. What's going to happen to all of us? It has nothing to do with the police and fire. It has to do with every one of us. I don't want that to happen. I really don't. We don't need any of this to happen. We need everybody to go forward. We need positive. I know it's going to be tough to get back, but we have to for our future. Also, I want to say to thank you to Tony and Jeff Crowley. Jeff needs more hours as far as I'm concerned. I call on him constantly and he's helped me on numerous homes. We also had a problem with a fire that was down on High Street and they're working on that. I can't thank you guys enough. Thank you for everything.

Mr. Mientkiewicz: Just a couple points. Number one, I want the record to note that the reason for me abstaining in Draft No. 03-16 is because he's related to a relative of mine who was in that position well before my time on council. I wanted to clear that up. Secondly, to everyone here thank you for your participation. It's good to see so many faces filling this room and it's good to see so much involvement with people who want to better this City. To the young guys over here, it kills me because I went into this thing saying I'm going to represent the future and as we see it, we're not going to have future young police and fire and it is really sad. I hope we all take that into consideration in March. With that being said, Mayor, I understand you are working very hard on a financial plan, a plan that hopefully will free us up of this mess. Thank you for considering the time lines that you were given. Hopefully, that plan is viable. Hopefully, it is financially stable through the Fiscal Supervisors and a plan that will move us forward for the betterment of this town, so thank you.

Mr. Pezzano: Captain Holland, I would like to see you after the meeting for five minutes. Secondly, I would like to thank the representatives of the fire and police department and the colleagues that attended my block watch meeting last night. It was greatly appreciated.

### ADJOURN

It was moved by Lastic, seconded by Steffey to adjourn the meeting.

  
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LORI KUSZMAUL, Clerk of Council

  
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ROBERT MARINO, JR., President of Council