

COUNCIL MEETING MINUTES

April 20, 2016

Niles City Council held its regular meeting on April 20, 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-A, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

It was moved by Papalas, seconded by Marchese to accept the Minutes from the April 6, 2016 regular council meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles Income Tax Department
Monthly Receipts Totals through March 2016

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

FROM The Niles Police Department
Strategic Plan 2015-2020

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

FROM the Superintendent of the Water and Wastewater Department
Letter to Council updating the progress on the Wastewater Treatment Plant and Report of Staffing as of April 11, 2016

It was moved by Papalas, seconded by McNaughton to accept these reports and place them on file.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: If you would like to address City Council, please raise your hand, stand, state your name and address for the record. Before we get to those folks, we do have a guest here this evening. The Superintendent of the Developmental Delayed Board for Trumbull County Fairhaven, Mr. Ed Stark, is here and at the deference of Mr. Stark, I would like him to present what he wants to share with council and then we can excuse him due to valuable time.

Ed Stark: Thank you council members. Mr. Pezzano asked that I come and talk to you this evening about something that's going to impact the Fairhaven program over the next couple of years. Since our Fairhaven program is a long time resident of the City of Niles, we call this our

home and I wanted to share what the impact is going to be with the council members so that you're aware of the changes that are taking place. Just to give a little history, I won't take up much time, but in January of 2014, the Federal Government, the Centers for Medicare and Medicaid services passed a new rule regarding Medicaid services that became effective in March of 2014. At that time, the State of Ohio had to develop a transition plan to submit to the Federal Government to state basically how the State of Ohio was going to come into compliance with that new rule from the Federal Government. Two things in that new rule impact the Trumbull County Board DDL aka the Fairhaven program and the first is probably the most significant. There is what is called a "Conflict of Interest" clause in the new rule and this Conflict of Interest clause says that if you write and authorize Medicaid services plans, you cannot also be a direct provider of those services. There is an inherent conflict of interest in that if you are authorizing the plan, you might authorize more services when you're providing the services than if somebody else would provide the services. That's a problem for the Trumbull County Board, actually all 88 boards in Ohio, County Boards of Developmental Disabilities, because we all provide case management services so we write and authorize the plan and then we also provide direct services. If you're familiar with our adult shelter employment settings transportation services, these new rules from the Federal Government only impact our adult program, they do not impact our school, our early intervention program or our preschool program. It only impacts our adult services program. Because we are a dedicated waiver provider in our adult services program and we provide case management services, the State of Ohio has asked us, asked all county boards, to divest ourselves of direct services. We will no longer be able to provide adult services to the folks that we currently serve and we have a time frame. Most of the services that we have to remove is by 2020 and the remainder services by 2024. So we do have several years to come into compliance with the rule. The second part of the CMS rule that also impacts us is that Medicaid services have to be provided in the most integrated setting as possible. So individuals receiving Medicaid waiver services have to be provided to participate and live and work and recreate basically in the community the same as you and I including employment services. So the Federal Government looks at our sheltered employment settings, our workshop, as being segregated settings. They isolate people from the general community. So they would like us to provide those services in a more integrated setting. That doesn't mean that everybody has to do that; that if the person chooses not to work or participate in the community, that's their right, they have that choice, but we still have to offer those services. Because our settings are very large, we serve anywhere from 110 to 150 people in those workshops, it's very difficult to offer opportunities to participate in the community as often as people want because there are so many folks there. So over the next several years those settings will probably get smaller as people move out and receive services from private providers which is then a conflict of interest policy, but those folks who stay, those folks who don't receive Medicaid waiver services we can still provide services but there just won't be that many. Over time that will probably cause a reduction in staff. At this point I don't know who many that is going to be. We currently have what is called our Transition Team. We have community members, county board staff, parents and people who receive services on this Transition Team that are developing the plan for us at the county board as to how we are going to move forward and come into compliance with those rules and it's going to take several years, but there will be an impact on not only our program, but the people served and the employees. I just wanted to share that with you. As that plan becomes more finalized and settled, I would come back and share it with the Council if you so wish. Thank you.

President Marino: Thank you Mr. Stark.

Mr. McNaughton: Mr. Stark, I have a quick question. So this affects all 88 counties?

Mr. Stark: Correct.

Mr. McNaughton: Did our friends from Columbus have conversations with yourself or the other 87 members in advance of this? It just sounds like – it couldn't have come out of left field.

Mr. Stark: No.

Mr. McNaughton: But this is a massive hit for folks like yourself who are doing this and the folks that you service. That's my first question. The second is what would you need, if anything, from us as city representatives to aid in facilitating moving forward and try to help you folks and those who you provide services to? This is extraordinarily troubling to hear.

Mr. Stark: Well, to answer your first question folks at the state level are aware of the situation and they have actually submitted a Transition Plan to the Federal Government that requires us to do this. They did open it up for public comments so there was a lot of feedback from families from individuals served, from county board staff as to – and there is actually a resolution now from the State of Ohio to the Federal Government, I think it's in the Senate right now, to ask that CMS reconsider workshops, that they allow that as a choice for people to receive services. So there is some legislation that is being formulated and will be sent to the federal level to ask for that exception. To answer the second part of your question, at this point I don't really know that there is anything you can do from the City other than offering your support and understanding as we go through this process. I am currently in the process of trying to recruit more providers, more Medicaid waiver providers, to our communities so welcoming them as new businesses to your community would be very helpful. Thank you.

Mr. McNaughton: Thank you.

President Marino: These provisions have far reaching effects with public schools as well. The Medicaid changes are affecting my other life as well.

Mayor Scarnecchia: Councilmen, we also have to realize not only to the people it will affect, but when this all comes down, we are going to be losing bus drivers, employees there, we're going to be losing tax money which we're trying to be very business orientated now so bear that in mind that it's going to hurt the City of Niles. Thank you.

Mr. Mientkiewicz: Mr. Stark, how many people are currently staffed at your Niles facility?

Mr. Stark: The number we serve?

Mr. Mientkiewicz: Staff. Employees.

Mr. Stark: How many employees? We have 325 total employees and probably two-thirds are in the Niles area, so our campus right off Lincoln Way and our board office here on North Road.

Mr. Mientkiewicz: Do you have any projections or percentage how this might affect at this time?

Mr. Stark: I do not right now have that.

President Marino: Thank you. We appreciate it. Mr. Holmes, you were first and then Wanda. Name and address for the record.

Mark Holmes, 937 Mason Street. I'm a life-long resident of Niles. I've been employed by the City for Niles for 29 years and have been very dedicated in my job with the City. Some of you people may know what's been happening with a McDonald man. This person has been harassing me on social media (inaudible) following me, taking pictures of myself and my co-workers. He has been seen driving on devil strips to get behind and follow me in my city vehicle. I feel threatened along with my co-workers. No disrespect to City Council or the administration, but in order to get this McDonald man to stop not because of Council or the administration, but it is because of my actions. I had to file a civil protection order to try to get him to stop. This has been very hard to deal with, but with the help of a great family, friends and co-workers it's a little easier. I have always been devoted (inaudible) of the city and will continue to do so. So if I have to be at every city meeting that the city has to keep him out, I will do so and I would like to thank not only my boss and my very good friend, Carmen Vivolo for helping me get the court order done, but also another very good friend, Cindy Camenti, the park secretary, who along with my union officials, Service Director Jim DePasquale and, of course, the Niles Police Department and Acting Chief Jay Holland.

President Marino: Thank you. Ms. Burns.

Wanda Burns, 562 Wyoming Avenue. I prepared a statement. It's kind of lengthy and I know I'm limited to five minutes and that is why I prepared it and will try to stick to it. I have some questions, statements regarding the – first the general fund. I spent some time gathering the figures and what I see as some of our future issues. Before we collect and I'm going to ask Mr. Merlo, I did research this heavily and this is factual; however, when you start writing it out and start thinking, that can't be and so if I'm wrong in anything, please feel free to correct me. I tried to connect with him today, but his schedule is very busy. Before we collect any earned income tax this year, we will be approximately \$183,000.00 in the red or in the hole, whatever you want to call it. I believe that we will not collect any earned income tax funds until August 30th and at that time it will only be earned income tax that the employers must now file monthly as opposed to quarterly. There's a new law. Then we will receive our first quarterly payment in October, the end of October. It's a long time from now. I think at that time we will collect about \$575,000.00. This is going to allow for a carryover of about \$392,000.00 and I thought wow, we're really much better than I thought. Then the reality hit. I didn't allow for the Recovery Plan and when you allow for the Recovery Plan there's a big problem because the Recovery Plan calls for 12 additional layoffs which didn't happen. It called for six police and fire and six from the remaining departments and I don't know which departments. I don't believe that was in the

plan. Those 12 layoffs equal approximately \$400,000.00 in funds so when this all comes in you have to take the \$400,000.00 and subtract it from the \$392,000.00 and we get to start with \$8,000.00 in the red. Now remember we still haven't called the six safety members back, the three fire and three police and I think there's still two part-time people laid off, one in the police department and one in building and zoning. Again, correct me at any point. So I'm not sure how anybody is coming back this year or even January 1, 2017. Now, let's add overtime in. We're short three police officers. The last I knew we still had two that are on sick leave so that department is five short. All of you, all of us are thinking what are we going to do for the summer. We are going to be taking time off and that's going to create over-time in that department. We're short three fire fighters. I know last summer we were short three fire fighters due to injuries and illnesses and I know we spent \$100,000.00 in overtime to cover that, so I can pretty well guess that's what is going to happen this year and by the way, the cost of three fire fighters from June 1st until December 31st is \$150,000.00. So they're going to remain laid off for the difference of \$50,000.00 or even should they come back for the summer to avoid that over time and lay the off again. Now, let's add the dispatch department to the story. We did not transfer this department to 911 even though it would have afforded the city a significant savings. It would have been more in 2017 than in 2016. It would have been more in 2018 and so on, and I know some of you agree with me, but why you voted the way you did, but the bottom line is right now we should only be about dollars and cents because if we're not, we're never going to get out of this mess. We don't have the luxury of premiere services. We don't have the luxury of employee preferences and I know that's what some of that reasoning was. Somehow during that decision and the vote by Council we didn't properly account for the mandates that are coming down from the State regarding the 911 services in Ohio and those mandates are unfunded and they go into effect in the middle of December, I think, if my memory serves me correctly, the 16th. One of those mandates is 40 hours of training. It's unclear at this point if existing dispatchers training will grandfather over into that or not. If not, then 40 hours times however many dispatchers, we have those funds we are going to have to spend. Add into that that we have to connect to the Trumbull County 911 because one of the mandates is there will always have to be two persons at the dispatch station. So we can do that by wire to Trumbull County and maybe Mr. Dibble can help me, that's going to be our cost and I have no idea how much that will be.

President Marino: Mike, let her finish her statement. She is going to run out of time here pretty soon so we can answer all the questions at the end.

Wanda Burns: So where is that money going to come from? Now if the dispatch department was at the county, it would be their expense. Now the expenses are all going to belong to Niles with our \$8,000.00 in the whole pot. Wonderful. We are going to have a world class dispatch center and not enough police and firemen to dispatch out. McDonald and Weathersfield were serviced by Niles dispatch and they choose to go to Trumbull County. I called both McDonald and Weathersfield and inquired how the county dispatch had been working for them and she was shocked, she said no one has ever called here and asked me that. I can tell you monetarily we saved money. I'll check we my staff and get back to you. She said no significant problems. The other department said it saved money and no significant problems. Now, for me that's probably going to be seen by me as the single most catastrophic of the Recovery Plan. So we're starting 2017 in the hole, potentially a deep hole, so how are you going to call back laid off police and

fire and yet if we don't call them back we are going to have overtime which will dig that hole deeper and deeper, so I said how can we fund it. I thought of every way that there could be and the answers not good. About the only way is more layoffs so that's my first question and you can answer later. Are we sure there is not going to be more layoffs whether they be police, fire or otherwise? You have to remember 70% of Niles voters voted yes so we would have adequate police and fire. Now I needed a first responder team Friday. Unfortunately, a friend of mine at 1:00 a.m. I had to resuscitate her and call 911 and I can't tell you how comforting, it's like music to listen to that siren coming over that bridge --

President Marino: Wanda, you have about a minute.

Wanda Burns: Okay. And she survived and I want you to know how important first responders are on that. Now, I also had an electric problem over the weekend; electric surges and loss of power. Electric company called Monday morning and they were there in 10 – 15 minutes. It wasn't a city problem. The wires are corroding and I am told that there are multiple residents who have this problem. Some neighborhoods it has actually burned out the appliances. We need a maintenance infrastructure program. Now, we talked about the enterprise account and the enterprise accounts were positive, but what we've been doing to that enterprise account is to creatively putting it over somewhere else. So the impound lot, it's fenced in and it now holds the electric truck and because it holds the electric truck the electric now pays some of that. Go onto dispatch. Some of dispatch is paid by electric. Pretty soon we're not going to have enterprise funds and my question there is when are we going to have rates in our utilities that are increased? Shakespeare once said, a foolish consistency is a (inaudible) of little minds that decided to try to fix it as detailed synopsis because there are several in this city that would prefer my silence and they've actually called me and told me that. Folks, we are in a crisis yet we keep on spending our time and energy even money on drama and smoke screens and I'm afraid it will be too late to save our city and I ask that you please share how we're going to overcome this.

President Marino: Thanks, Wanda. Mr. Dibble, the first question, if I recall, was the line to the county for 911. Can you touch upon that?

Mr. Dibble: I don't have any numbers in front of me. I wasn't prepared for questions. I can either give it to you next council meeting or tomorrow. I don't have contact information for you, but if it's okay with council if you want to provide me your information, I'll call you.

Wanda Burns: Sure.

President Marino: In terms of the layoffs in the future, that would have to be the Mayor and the Auditor that would have to address that question. Who wants to go first?

Mayor Scarnecchia: I'd have to go to the Auditor.

Auditor Merlo: Well, Wanda the information you provided is accurate because you got those from me. To answer the question if there will be additional layoffs, again, we would have to look at the budget and if we are going to be in the red, where will we make those cuts? That's where I would rely on the administration to say here is where we need to get our increased

revenues or cut spending. So where that would come from would be a team effort between myself and the administration. That would be my answer to that question.

President Marino: Keep in mind also, Wanda, that we have the Fiscal Commission, Financial Supervisors and our requirements as Fiscal Commission members, Mr. Camerino who is on it, to ensure that the City remains balanced. The ultimate decision will come from the administration in terms of how to balance the budget and the Fiscal Commission, too, will be looking at the administration on the, I would assume next week, when we'll get a first quarter report that will paint an accurate picture of where we are financially and I think that meeting is next Wednesday at 4:00. So until we get those reports I would reserve judgment on where the budget is at because I rely on the Financial Supervisors and John to provide those detailed reports. In terms of the utilities and infrastructure improvements, that question will best be answered either by the Mayor or the Service Director whoever wants to address that in terms of Light Department.

Mr. DePasquale: Well, the reason that light department truck is in there, that truck was going down to Columbus for repairs because it is 14 years old to fix the boom and the engine blew on the way to Columbus so we towed it to the impound lot. That's why it's in there. The reason that the Light Department shares that is because they have a million dollars- worth of transformers in that same lot so they assume half the cost of that lot to set it up. What other questions?

President Marino: The other one dealt with infrastructure and developing a comprehensive plan to address the aging power lines.

Mr. DePasquale: The aging power lines we are doing the best we can with that. We're short men and we're short trucks and we're trying to keep pulling wire every chance we get, but we have businesses that are going in and we're doing what we can to keep those people, get those people power and still be able to renovate our lines. Our substations are updated. We have a good system, it's not perfect, our guys do a great job. Yes, it needs some work but a little bit at a time. We're doing the best we can. As far as infrastructure, we really have no money for infrastructure. I'm working on grants with Community Development Block Grant for some SORE projects, for some resurfacing projects, which are minimal, we just gave council a list of hydrants that we have repaired that are back in service which are 20, which are very minimal repairs. The next repairs will be very expensive and the third phase will be even more expensive. We are installing water meters every day. The meters that were in the pool for six years are being installed. To date, from the first of the year we have installed 200 of them and we are doing it daily.

President Marino: I can also share with the residents that Finance Chairman Steffey had a meeting last week and I know I speak for all of council, but we asked that Department Heads begin to prepare strategic plans so that we can begin to plan for the future. This is not something new by the way. I've been here a long time and I, too, agree with Wanda that why don't we have them, we need them and I can assure you we've been asking for these things. We have been asking for these things. It just didn't happen overnight. We've been asking repeatedly. The Mayor and his administration, I have to give credit, they are working on getting these departments to put together plans so it might not be as fast as we like, but you need to give credit

where credit's due and they are beginning to put some pieces in place to move the City forward so I'm appreciative of that with respect to the Mayor and the Service Director. In terms of rate increases, I believe that – I don't know how to answer that Wanda. To be honest with you without having the Auditor look at the way the revenue is coming in, we are closing the deficit in the Water Department. The Sewer Department deficit has been eliminated; however, we do have a sewer treatment plant that we need to make sure that we have sufficient revenue to pay the note. We also need to make sure that we have sufficient revenue to support the department and the infrastructure. So we would rely on John to do that. In terms of AMP Ohio, I believe Mr. Newbrough was at a meeting today in Columbus with AMP Ohio. I would assume Mr. McNaughton as the Chairman of the Utilities Committee in the very near future would invite AMP Ohio up and they can provide us with a wealth of resources in terms of rate stabilization and evaluating our rates. I know they did that in the past when we had some issues within the Light Department and rate structures. So I know John is paying careful attention to that because he does share that. I believe that answers your questions. Did I miss anything?

Mr. Lastic: The one about the overtime concerning the layoffs. Do we have any number for that? That's a good point. I know I asked that myself and never got an answer. Do you have any idea when that figure will come out?

Auditor Merlo: I do have an overtime figure at the office. I did not bring that with me.

President Marino: There again, when we had a meeting, I forget which one it was because we had so many of these, that I asked the Auditor and the Mayor and the Law Director to begin to get together to look at overtime and our fund balances to figure out where that sweet spot is in terms of does it make sense for us to call policemen back to minimize overtime? I understand the question you are asking and it is a good question and I can assure you that we have asked those questions prior to you posing them so where that's at, I don't know what discussions – let me rephrase that, I'm not privy to the discussions that are taking place in terms of that, but I would assume that that's being looked at in terms of what makes sense financially in terms of the overtime.

Wanda Burns: Thank you very much.

President Marino: No problem. Anyone else which to address council?

Sherry Smith, 1332 Robbins Avenue, Niles. Last council meeting I thought I heard that Trumbull County had offered their grant writer to us and I was wondering if we connected with them about that?

Mr. DePasquale: Yes, I've been in contact with the grant writer and talked to her about several grants and at this time there is no available funds for anything, but she will keep us in mind.

President Marino: Sir, your name and address for the record.

William Pike 404, Asbury. My questions are mostly about police and fire. I went to the first town hall meeting and I asked the question if the electric and the water and power company are

generating money, why they can't help the police and fire and I was told to my face by the Mayor that they are only allowed to allocate so many dollars for that and they had allocated enough to keep our full force until March until we had the election for the levy. Then several weeks later they laid three off. Then we go back and we say we've got to vote for this levy. I argue with neighbors. I knocked on people's doors, I put signs, I argued with co-workers that we got to pass it. We've got to keep these police and fire working. We passed the levy. They're not bringing any police or fire back until after the first of the year. We were told starting in July or August we'd bring one back in a rotation and we were told that that money was going to go into the general fund but be strictly allocated for police and fire. Now I'm hearing that there's a \$200,000.00 check that was written that we need to take care of. That might be, but we were told police and fire were coming back, not lose more. I was just told we are losing three more soon. If something happens at my house, I want a fireman or I want a police officer there and three on the shift doesn't get it. Minimum staffing is four so everything that I was told that money was there until March wasn't there until March or where did it go? Now we passed the levy we're going to bring people back. We passed the levy. Let's recall the levy. If I'm paying for something, I want it. If I'm not getting it, repeal it. It's not right.

Mayor Scarnecchia: Sir, first of all, we're not going to lay anybody off. I have no intentions at all –

Mr. Papalas: Watch what you promise, Tom.

Mr. Pike: I have right here they are planning on laying three more off real soon.

Mayor Scarnecchia: Who?

Mr. Pike: I'll see if I can find it, sir. I don't know if I can find it right now. I'm not real good – my phone is way smarter than I am.

Mayor Scarnecchia: Why don't you call my office and meet with me?

Mr. Pike: No. Let's do it right now. We've got people here. I want the answers now.

Mayor Scarnecchia: I have no intentions of laying anybody off.

Mr. Pike: Can you put that in writing please or put that on the record?

Mayor Scarnecchia: I said I have no intentions, sir, but I don't know what's going to happen in the financial situation.

Mr. Pike: We were told – first of all, you told me straight to my face that the water and power and the electric company or whatever had donated or whatever they did enough money to keep a full force until March and right after that we lost three and three so that went down the drain. Then we were told lets pass this levy so we can bring these guys back and no, we can't generate money overnight, but it will start to come in and as it starts to come in, starting in around August we are going to bring back one officer and then another officer and then I hear we're not even

thinking about bringing any officers back until after January and in the meantime we're thinking about losing three more.

Mayor Scarnecchia: Sir, are you sure that it was me that told you –

Mr. Pike: Yes, sir. I was over at the church building and I asked you directly and he backed up the thing saying that he helped the people and they gave as much money as they possibly could.

Mayor Scarnecchia: No, about the electrical and water, I don't recall every saying that because I know they are enterprise funds and you can't co-mingle them.

Mr. Pike: I asked the question and you said that they weren't allowed to co-mingle. They were only allowed a certain percentage was allowed to be transferred like a helper or a stipend and you said that money had been allocated and we were going to be able to keep the full force until March, until this levy was passed or failed. Right after that we lose three police and three fire. Then we fight and we get the levy passed and we're not bringing anybody back and we might lose three more of each.

Mayor Scarnecchia: Sir, we had the layoffs because it was in the plan that was submitted by the last administration.

Mr. Pike: We weren't told that.

President Marino: No comments. Ladies and gentlemen no comments. The only person that is permitted to speak is Mr. Pike.

Mr. Pike: This administration told me that we were going to keep our full until March, until that levy was passed or failed and right after that we lost three and three. Right after that I lost faith in you, Mayor, I'm sorry. Then you told me if we passed this levy we would bring these guys back in a small one at a time starting in August. Now it's after January maybe if at all.

Mayor Scarnecchia: Sir, the worst thing I ever had to do in my life was to lay off anybody. I didn't want to lay them off, but it is in this plan that we inherited where we had to lay off and as a member of the Fiscal Commission, is it not in the plan, Mr. Marino?

President Marino: Your plan.

Mr. Papalas: Not the original plan.

President Marino: Not the original plan.

Mr. Papalas: Not the original plan, Tom.

Mr. Pike: How many plans are there? Then I heard because of the past administration we are going to write a check for \$200,000.00 to pay for something that they shouldn't have and we're going to take it out of that fund. Wait a minute. You told me that those monies were allocated

strictly for police and fire, not to cover any bad debt, not to keep people that have retired and come back to work full time and not to give the city people Good Friday and Good Thursday off with pay when you have firemen sitting at home. You have policemen sitting at home.

Mayor Scarnecchia: Sir, one moment please. Do you not believe that we want these firemen and policemen back as soon as possible? We felt that after this was passed, but because of the budget restraints, we haven't been able to. We keep asking, that is number one of our list to bring them back.

Mr. Pike: That's not what we were told. We were told if this levy passed what would happen. I'm sorry.

President Marino: No, you're fine.

Mr. Pike: This is something I'm passionate about. We have four generations at my home at this time and if something happens to my family or my home I'm going to be a very upset person.

President Marino: You have done fine tonight. You have done nothing wrong.

Mr. Pike: I do apologize.

President Marino: No, don't apologize. You've done nothing wrong. You say what a lot of people are thinking and want to ask, so there is nothing wrong. It's not my responsibility, but until we get a plan from the administration there is no simple answer to that question. There again it has been asked and asked and asked about a plan, work with the Law Director, work with the Auditor so these questions have been asked. Until we get one and until one is presented there is no answer to that question unfortunately.

Mr. Pike: You have police officers now that you said are going overtime, it makes common sense to bring back a police officer and at least you would have four, which is your minimum staffing and paying three that can't respond because you can't have an officer respond to a domestic by himself, you have to have two so it only makes sense. I can figure that out. Let's bring back a cop and forget the overtime.

President Marino: And that's what's been asked.

Mr. Pike: That's a no brainer. That should be the stroke of a pen as far as I'm concerned. I'm sorry.

President Marino: We will wait to see where that goes. Anyone else wish to address council?

Al Cantola, 208 Vienna Avenue. I know I'm just going to reiterate some of the information that we've heard. We know that police and fire are number one. These guys are the ones that go year or nay to spending money. We're talking new phone systems that will save us money. When you have money it's good to spend money. If you have people laid off, it ain't worth it to spend money. If I'm at my house and I have an old style flip phone and I want a smart phone and I

can't afford it, I don't buy the smart phone. That's simplicity of what we live with every single day. Not that you don't, but every day we're not out there trying to figure out how we are going to get that smart phone. Now, the rumor has it that we're looking at a police officer babysitting 12 or 15 people in a building for an issue or concern. If I have an issue or concern with somebody down the street from me, I don't get a \$50,000.00 police officer to come in and sit in a building that a rent-a-cop could come and patrol and walk through at a third of the cost. He's not going to answer any domestic calls. We'll bring him back and we'll pay him, but he's not going to be on the street answering domestic, he's not going to be on the street chasing drugs or any other issues that are on the streets. So let's not look at bringing him back to do something silly guys. Okay. You guys, everything you're up here, yea, yea, yea and that's cool if you have money. Right now, we don't have it. We shouldn't be discussing spending anything all council people until we can have a plan. Table everything until a plan comes out and we can figure out how we are going to get these guys back and what we were sold on when we voted for this then we'll talk about phone systems and other items. We got hit with \$200,000.00 for '14 and the State hasn't even gotten through '15. Don't believe that we didn't make a mistake. It's pencil and paper. We've made a mistake somewhere is just are they going to catch it and how bad is it going to be when they catch it. So Wanda might say we're going to start in the red, but when it comes down from the State, it's going to be uglier than we thought and we're going to be sitting here saying the same things over and over again. Get a plan, hold off on our spending and let's figure out what we are going to do to make it right or rescind the tax.

President Marino: Thank you, Mr. Cantola.

Tammy Caldwell, 1511 Old Forge Road. My biggest concern here is the utility bills. I have a 1056 square foot three bedroom ranch. My bill last month was \$327.77. Up \$34.00 from last month. Now, I did not have any change in season or anything. What did I do different in 30 days and what did I spend next month; another \$30, \$50? Where does it stop?

President Marino: Have you spoken to the Billing Director?

Tammy Caldwell: I called downtown and I asked and they said, we get the reading at the meter and you get the bill. That was all they could tell me and I said I don't understand \$34.00 in a month's time. I didn't change a thing. I didn't increase to four showers a day. I did the same thing I did last month.

President Marino: Tammy, did you talk to the Service Director?

Tammy Caldwell: No.

Mr. DePasquale: Is that your total bill?

Tammy Caldwell: \$327.77 current.

Mr. DePasquale: What's your address?

Tammy Caldwell: 1511 Old Forge.

President Marino: Tammy, before the end could you or Jay give Mr. DePasquale your phone number and we'll have him call you tomorrow?

Tammy Caldwell: Okay.

President Marino: So they can figure out what's going on with this?

Tammy Caldwell: Okay.

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

MaryAnn Miller, 209 Cherry Avenue. Mine has nothing to do with police or fire. All I want to know is I realize the City of Niles does have a drug testing program, am I correct?

Mr. DePasquale: You are correct.

MaryAnn Miller: Okay. Now, each department has a different union and do they have separate criteria for their drug tests?

Mr. DePasquale: No.

MaryAnn Miller: They're all the same?

Mr. DePasquale: Yes.

MaryAnn Miller: What happens if an employee of the City fails a drug test?

Mr. DePasquale: Then he has the option to go to a clinic to get help or rehab. If he fails the test again he has the same option and he comes back and signs a Last Chance Agreement. If he fails again, he's fired.

MaryAnn Miller: All right. You only get three chances or two?

Mr. DePasquale: You get three chances and that's mandated by the State. That's not ours.

MaryAnn Miller: Three strikes and you're out?

Mr. DePasquale: Three strikes and you're out. We have to give him a chance to rehab.

MaryAnn Miller: Okay, I'm sure that we've had people that have failed the test.

Mr. DePasquale: Yes, we have.

MaryAnn Miller: I want to know if they're driving a dump truck, a tractor, a lawnmower or even a broom.

Mr. DePasquale: If they have failed the test, they are in rehab. Until they are cleared from rehab, they cannot work.

President Marino: Anyone else?

Jill Montevideo, Margaret Avenue, Niles. I just want to address a couple of things that Wanda Burns had to say about dispatch. It really is kind of disheartening, I mean, it seems like we are not a part of Police and Fire Department, which it kind of amazes me that she is referring to us as just the dispatchers that were not a part of the Police and Fire Department where we're the first person that anybody calls when they need help. We're the ones that make sure we have all the information to give to the officers to do their jobs. She talked about the cost of us and premier services and why you choose this and that. Well, I just want to say we have a 24-hour a day service that we provide. We have three full time dispatchers and we have zero overtime. I believe in the plan we save money. Really all you want to address is what it costs and you complain that they want a premier service. By no means am I suggesting this, but you have a department that costs no overtime last year, zero overtime this year with less than enough employees to run it. If its services and premiere services, then we're so busy saving money then why don't we have volunteer fire department? Why don't we have a part-time police department? If we don't care about the quality of services that we are providing to this City – I mean if you want to call for these services, you have to pay a little bit. We're really not costing a lot.

Wanda Burns: What I said –

President Marino: We're not going to have an argument here.

Jill Montevideo: I don't want to argue with you.

President Marino: Jill, your comments are directed towards the Chair.

Jill Montevideo: I am tired of being – us three girls, the rise and fall of this City when we literally have bent over backwards to save money. The only department that has not cost the City one penny of overtime with less than a full time staff. I'm just tired of getting beat up for it. That's all.

President Marino: Thank you.

Jill Montevideo: As far as the two dispatchers, if Mrs. Burns had looked into the legislation it basically says that you have the roll over capability, which we do, we directly communicate with Trumbull County. They can transfer a call to us. We can transfer a call to them. There's no need for two dispatchers at any given time, so there's no need for ever having to have the cost of the second dispatcher. As far as the training is concerned, we have a full time dispatcher that is licensed and certified to do that training so there will be no additional cost there. I don't know what more three girls could do to help with City out and I'm tired of being the fall of the City, I guess. There's other options.

President Marino: Thank you. Anyone else?

Bo Marchionte, 1339 Clinton Avenue. I'm sure you guys know what has happened this week involving Mark Holmes' restraining order. I know we are in the midst of a crisis. We have talked about it for months now. The gentleman over there, the lady behind you (inaudible) every day because a certain individual may go into her office. Twenty two times in one day. If anyone thinks that is normal activity on any level – I'll give my phone number to (inaudible) I don't think it is. I know we're strapped for cash. I don't have the solution. I know you gentlemen are working on it, but like I said, my people – I'm the President for these people and my phone is ringing off the hook day after day. These people are nervous and I'm even getting to the point where I'm even looking over my shoulder (inaudible) because now it's going to be on Facebook (inaudible) I don't know who texted you, but social media aside, we have to understand where you're getting your information. I mean, I have local members come up to me and ask me questions (inaudible) rumors and things (inaudible), but what I'm saying is take this serious threat and if you want to laugh it off, you can but I think messages that are addressed to these folks like I'm coming hard, I'm coming crazy, in our day and age I just feel that if we don't take some sort of action and there are repercussions later, there's going to be a lot more going around. Thank you.

President Marino: Thank you.

Mr. Lastic: If that is true, Terry why can't we do – instead of one of the employees, why doesn't the City – Tom, maybe I should direct this to the Mayor. Mayor, why don't we have a restraining order?

Bo Marchionte: The police have done an outstanding job.

Mr. DePasquale: We do.

Mr. Lastic: We do?

Mr. DePasquale: Yes, we do.

Mr. Lastic: Okay.

Mr. DePasquale: Yes, it's right here; for the city building.

Mr. Lastic: For the city building.

Mr. DePasquale: He cannot be anywhere in Mark Holmes –

Mr. Lastic: No. Why can't the City –

Mr. DePasquale: The way it's written is anywhere where Mark Holmes is – any building that he works in even if he's not there. He cannot be there.

Mr. Lastic: Anyone. I don't need to know who you're talking about.

Mr. DePasquale: Well, we don't have to mention the name. I think everybody knows who it is.

Mr. Lastic: Anybody who gets harassed like that. We need to protect them.

Mr. DePasquale: I have 30 girls in that building that are afraid to come to work. They are scared to death.

Mr. Lastic: Are we locking the doors now, too?

Mr. DePasquale: No. You can't lock the doors there because it's a public building. All we can do is isolate and channel through the front so we can put a camera and keep track of the people. Our idea was to bring back a laid off police officer. What's the difference what's he doing as long as he's back to work. He's not just going to be in the building. He's going to be around town as needed too. We talked to the Chief about this and it would provide security in the building. I have never been in a government building anywhere that didn't have security, either a metal detector or a police officer.

Mr. Lastic: Is there a police officer now?

Mr. DePasquale: No. There is no security in the building at all. There never has been.

Mr. Lastic: Then I heard wrong information.

Mr. DePasquale: No. The last couple days we've had because I asked the Chief if he would help me with that and send officers over, but there has never been.

Mr. Lastic: We as administration did not do anything. We let our public employee file the restraining order? I think we should do something.

Mr. DePasquale: We did talk to the prosecutor. We had the prosecutor in the other day and we all talked to him and he gave us advice and that was the advice he gave us, was to file a restraining order and he's filing a subpoena against this guy's Facebook page to shut it down.

Mr. Mientkiewicz: So he has not been back?

Mr. DePasquale: He was here today. He was out front an hour ago.

Mr. Mientkiewicz: Was he escorted out?

Mr. DePasquale: Yes, he was.

Mr. Mientkiewicz: Was he arrested?

Mr. DePasquale: He wasn't arrested. The Chief had him escorted out.

Mr. Mientkiewicz: Is there a case pending on this guy?

Acting Chief Holland: He was across the street in the bank parking lot. The officer approached him and informed him that Mr. Holmes was here and he would be in violation of the order if he tried to enter the council chambers. He turned around and left.

Mr. Mientkiewicz: But tomorrow he's not allowed in the building, correct?

Mr. DePasquale: And I guarantee he'll be there. Five minutes after the restraining order was served, he went after Mr. Holmes in the parking lot. Five minutes later.

Mayor Scarnecchia: May I say something? Even though I quit reading Facebook, but the rumor was that all this protection and everything was for me. Let me tell you people, I – everyone in this room, every person in Niles and anybody that works in that city building, I'm concerned for your safety. Safety is the number one thing. I know about being threatened and I just wanted tell you something. Give me two minutes Mr. President. A year ago during the primaries, I was threatened and alongside of me was my young grandson and he heard it. I was threatened that I will never live to be the Mayor. I didn't take it serious until I told the police department and they told me how serious it is. They patrolled my area. They helped me as much as they could and then I started reading all these in the paper where there are maniacs, and I'm not addressing anyone around here, but in the country the maniacs that go around and destroy offices and kill people. You know what, your safety along with the people in the service building that's important to me and that's why we want to go ahead and make the City safe again. Thank you.

President Marino: Sir, you have been very patient. Your name and address for the record.

James Sheely, 627 Fenton Street. I am concerned. Is it really this bad down there? I don't know what's going on down there. If he's in there talking twenty two times.

Mr. DePasquale: It's that bad.

James Sheely: Has he actually been in there twenty two times in one day?

Mr. DePasquale: Yes, he has.

James Sheeley: Has he said anything to anybody?

Mr. DePasquale: Yes, he has.

James Sheeley: Threatening?

Mr. DePasquale: Yes he has.

President Marino: I don't want to adjudicate. This is not a court of law.

James Sheeley: I know, but we do need an officer – we need officers on the street. We really do. Yes, we need security down there, but we do need officers on the street because there's a drug problem, a major drug problem. I know I was told by the Chief not to address (inaudible) because I spoke with him the last time. My wife gets upset with me because I off halfcocked, but you guys also – they're in danger by being short staffed. I have a brother that was a police officer and I have two nephews that are police officers. They are short staffed and that's not good. They get worn out and they get tired. If you bring one back, you need him on the street. You really do. If there's a security issue down there, it has to be addressed but we need an extra officer on the street.

Mr. DePasquale: We can't lock the doors.

James Sheeley: One more thing on another note, do they have a policy on the use of city owned vehicles?

Mr. DePasquale: For instance.

James Sheeley: Personal use, after hours, anything like that.

Mr. DePasquale: Anybody on 24-hour call has a vehicle.

James Sheeley: Okay.

Mr. DePasquale: 24-hour call employees have a vehicle.

James Sheeley: Now if they go home for lunch, is it okay if that they let the vehicles sit in the winter time and not turn them off for a half hour, forty minutes, hour lunch?

Mr. DePasquale: No, it's not okay.

James Sheeley: See that looks bad. When I see that because I have personally seen it and that looks very bad. We are in a financial situation right now, and it may seem petty but the pennies add into dollars and you have a vehicle sitting there and I'm not staking anybody it's just that I saw this one day back in January a city vehicle sitting there and saw the exhaust and I had been going somewhere and when I came back through about a half hour later the vehicle was still sitting there running with nobody in it. That's got to stop. To have some credibility something like that has to stop.

Mr. DePasquale: To answer your question, I agree.

James Sheeley: The former administration, I used to see city trucks – we were down to four days a week in 2008, we would see the city dump truck and this is not an exaggeration they would sit there for five hours a day sometimes with people sleeping or reading the paper and yes, that is 100% true and I wouldn't say it if it wasn't and I know people would back me up if I have too.

That is ridiculous. We would see that and we were cut back to four days a week because the economy was bad.

Mr. DePasquale: Well, I can say this about our city employees I have had no trouble with anybody. They are all pulling double duty. All of them because we are so shorthanded and since I came back to work they have been a pleasure to work with.

James Sheely: I'm just saying there are things like that that look bad for the citizens. I was all for the police and fire I'll tell you right now. I work afternoons. If something happens at my home, I've got a wife, I've got the grandson there, my son's working at Kraft Maid midnights. I'm not there and we need our police back. We need more than just one.

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

Sharon Jones, 1606 Difford Drive. I just have a comment to make that people can sit here and laugh about what's going on in the stalking and all that but until it happens to them, then take it for what is being said by everybody this isn't a joke. Things happen. Okay, he's a joke and nothing's going to happen. Why wait until it does. He's been served his papers, the cops have gone to him and they let him go. They talk nice to him. They let him go. I don't understand it.

President Marino: We can't adjudicate the legal system here. This is for council and city business. They would have to meet with the Law Director, prosecutor and the police department to answer that ma'am.

Sharon Jones: Okay. People kind of take this for what it is. This isn't a joke.

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

COUNCIL COMMITTEE REPORTS

None.

President Marino: There being no Committee Reports, would the Clerk please present tonight's legislation.

Mr. Pezzano: Mr. President, I would like to move that Council go into executive session under Revised Code Section 121.22(G)(4) to discuss the employment of the police officer.

It was moved by Pezzano, seconded by Mientkiewicz to go into executive session. Call the roll.

YEAS: 7 NAYS: 0

President Marino: Let the record reflect that at 7:03 p.m. council adjourned into executive session.

President Marino: Let the record reflect that council has reconvened at 7:26 p.m. Would the Clerk please call the roll.

YEAS: 7 NAYS: 0

President Marino: Would the Clerk please present tonight's legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____ (Draft No. 101-15)

AN ORDINANCE TO CHANGE THE NAME OF PINE ALLEY TO HARRY STEVENS ALLEY

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

Mr. Pezzano: Mr. Dull, does this now go to the Street Department to get a sign made up and change that?

Mr. Dull: Yes.

Mr. Pezzano: Mr. DePasquale, can you do that?

Mr. DePasquale: How soon do you want it?

Mr. Pezzano: Well, before Harry Stevens' Day on July 3rd.

Mr. DePasquale: It will be done.

President Marino: Call the roll for suspension.

YEAS: 7 NAYS: 0

It was moved by Pezzano, seconded by Papalas to adopt this Draft No. 101-15.

YEAS: 7 NAYS: 0

This Draft No. 101-15 has been adopted on the 20th day of April 2016.

Mr. Steffey: Mr. President, I would like to make a comment. Mr. DePasquale, after you have an estimate of the cost of putting up the new sign would be, I would like to approach a local non-

profit that may be willing to offset the cost to the City, so if you could present me with a quote to get those Harry Steven street signs made, that would be much appreciated.

Mr. DePasquale: Okay.

President Marino: Thank you, Mr. Steffey.

ORDINANCE NO. _____(Draft No. 24-16)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1141.01 BY DELETING SUBPARAGRAPHS 7(b) AND 7(d) THEREOF TO ASSURE THAT THERE IS ONLY ONE ORDINANCE ESTABLISHING FRONT YARD BUILDING SETBACKS IN B-3 COMMERCIAL DISTRICTS; REPEALING THE MORATORIUM ESTABLISHED IN ORDINANCE NO 30-15; AND, DECLARING AN EMERGENCY

It was moved by Pezzano, seconded by Steffey to give this ordinance a first reading.

Mr. Pezzano: We would like to set up a public reading for this. Correct, Mr. Dull?

Mr. Dull: Yes. I think June 1st would be an appropriate date for the public hearing before the council meeting at 5:30.

YEAS: 7 NAYS: 0

This Draft No. 24-16 has received its first reading.

ORDINANCE NO. _____(Draft No. 31-16)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR REQUESTS FOR PROPOSALS FOR A VOIP TELEPHONE SYSTEM FOR CITY FACILITIES

It was moved by Mientkiewicz, seconded by Lastic to give this ordinance a second reading.

YEAS: 6 NAYS: 1 (Papalas)

This Draft No. 31-16 has received a second reading.

ORDINANCE NO. _____(Draft No. 33-16)

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A FOUR WAY STOP SIGN AND CROSSWALK AT THE INTERSECTION OF THIRD AND NASH STREETS; AND, DECLARING AN EMERGENCY

It was moved by Pezzano, seconded by Lasted to give this ordinance a second reading.

YEAS: 7 NAYS: 0

This Draft No. 33-16 has received a second reading.

RESOLUTION NO. ____ (Draft No. 34-16)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES FOR LEGAL SERVICES AND CONSULTING FOR LABAOR RELATIONS; AND DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Papalas to table this resolution.
Motion carried.

This Draft No. 34-16 has been tabled.

ORDINANCE NO. ____ (Draft No. 37-16)

AN ORDINANCE GIVING CONSENT AND COOPERATION TO THE OHIO DIRECTOR OF TRANSPORTATION FOR THE MICROSURFACING OF STATE ROUTE 46; AND AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS NECESSARY FOR THE PROJECT; AND DECLARING AN EMERGENCY

Ms. Marchese: I'd like to make a motion to suspend this and the reason is is that this is no cost to the City. It is State Route 46 which we received a grant for the part of the roads that needs to be done and resurfaced. There will be absolutely no cost to Niles, Ohio whatsoever. The grant will be paid by ODOT. They sent letters along with the attention to Mark Hess so we still are getting them and it will be taken care of in 2017.

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

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by McNaughton to adopt this Draft No. 37-16.

YEAS: 7 NAYS: 0

This Draft No. 37-16 has been adopted on the 20th day of April 2016.

RESOLUTION NO. ____ (Draft No. 38-16)

RESOLUTION THAT THE CITY OF NILES WILL PICK UP THE STATUTORILY REQUIRED EMPLOYEE CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF NILES PURSUANT TO INTERNAL REVENUE SECTION 414(H) (2); AND, DECLARING AN EMERGENCY

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

Auditor Merlo: Just so you guys are aware, 38 and 39 will go hand in hand. Just to give you guys a quick synopsis, to be in compliance in the way the pensions are working with OPERS basically one is stating that the City of picking up based upon a fringe benefit because the City picks up the employee portion and the other one is a salary reduction which part-timers, dispatchers and elected officials contribute their own 10% so they go hand in hand and we need both to be in compliance with OPERS.

President Marino: Thank you. Call the roll for suspension, please.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 38-16.

YEAS: 7 NAYS: 0

Draft No. 38-16 has been adopted this 20th day of April 2016.

RESOLUTION NO. ____ (Draft No. 39-16)

RESOLUTION THAT THE CITY OF NILES WILL PICK UP THE STATUTORILY REQUIRED EMPLOYEE CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR CERTAIN FULL TIME EMPLOYEES OF THE CITY OF NILES PURSUANT TO INTERNAL REVENUE SECTION 414(H) (2); AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by Pezzano to adopt this Draft No. 39-16.

YEAS: 7 NAYS: 0

Draft No.39 -16 has been adopted this 20th day of April 2016.

RESOLUTION NO. _____(Draft No. 40A-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S EQUIPMENT PURCHASE ACCOUNT; AND, DECLARING AN EMERGENCY

Mr. Dull: If you remember, I passed out Draft No. 40A which is a change to 40. We could ask that this be added.

President Marino: We need a motion to amend tonight's Agenda to reflect that the Draft number is 40A-16.

It was moved by Papalas, seconded by Lastic to amend tonight's Agenda.
Motion carried.

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

Mr. Steffey: This is to get a new chipper for the Street Department. We only have one. We're heading into storm season and the one that we have is in poor shape so this is just to give them back the chipper that they need to keep the streets clean.

President Marino: These dollars are not coming from the general fund they are coming from the Light Fund so that everybody understands where the revenue is coming to purchase this piece of equipment.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Marchese to adopt this Draft No. 40A-16.

YEAS: 7 NAYS: 0

Draft No.40A-16 has been adopted this 20th day of April 2016.

ORDINANCE NO. _____(Draft No. 41-16)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF REPLACEMENT VEHICLES FOR THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY

Mr. McNaughton: This is in regards at recent meetings we've had. It is no secret that the many vehicles in the City are antiquated, I think would be putting it politely, so we're trying to be proactive here and get bids to replace not one but two trucks in the Light Department that are 13 and 14 years old, I believe. We are looking at replacing the 14 year old and fixing the 13 year old, but we'll be in the position next year so we going to solicit bids to see what two will cost instead of one, so it's just to get bids. That's the thought process behind this.

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

YEAS: 7 NAYS: 0

Rules are suspended.

Mr. Steffey: I would like to add one thing with this. To let you know that these trucks actually are built to our specs and will take one year to produce. So these are trucks you won't see on the road any time soon and that is why we are suspending the rules because we are already waiting a year so we just want to give them the ability to get the bids to us to review. Thank you.

It was moved by McNaughton, seconded by Steffey to adopt this Draft No. 41-16.

YEAS: 7 NAYS: 0

Draft No.41 -16 has been adopted this 20th day of April 2016.

President Marino: Council is adding Draft 42-16. Is there a motion to add Draft 42-16 onto tonight's Agenda.

It was moved by Steffey, seconded by Lastic to add Draft 42-16 to tonight's Agenda.
Motion carried.

President Marino: Would the Clerk please present Draft 42-16 by caption.

RESOLUTION NO. ____ (Draft No. 42-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT, WATER AND SEWER FUNDS TO THEIR RESPECTIVE FUND'S REFUND ACCOUNTS; AND, DECLARING AN EMERGENCY

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

Mr. Steffey: This is \$4,000.00 going back into the Light Department for refunds that rightfully go into that account go into that account. \$3,000.00 going into water and \$3,000.00 going into sewer. These are all refund accounts going back into those funds.

Mr. Mientkiewicz: That's already money that's been paid into those accounts that's we're just refunding?

Mr. Steffey: That's right.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by Pezzano to adopt this Draft No. 42-16.

YEAS: 7 NAYS: 0

Draft No.42 -16 has been adopted this 20th day of April 2016.

President Marino: That does conclude tonight's legislation. Miscellaneous remarks?

MISCELLANEOUS REMARKS

Acting Chief Holland: We had a chance tonight to bring back a laid off police officer that the State Auditors approved but we didn't. It is very disappointing. That's all I have to say.

Auditor Merlo: Just one comment. At the last meeting everyone's aware that we took a hit to the general fund for roughly \$205,000.00. I just want to make everyone aware that that was '14 audit and '15 audit will be well underway very soon. We can expect that, and someone did make that comment tonight, that we will have additional hits to the general fund. That will happen. I don't know if it will be this year or the first of next year. Just to keep everyone apprised and informed, we will have another hit to the general fund.

President Marino: We won't have one for fiscal year '16 moving forward, you said '15?

Auditor Merlo: '15.

President Marino: '15. Okay.

Mr. Catanzarite: Just real briefly, in addition to the report I have council tonight, I forgot to tell you that our new vac truck was delivered yesterday. Our guys will be trained on it next Wednesday and it will be on the road starting next (inaudible).

President Marino: Thank you.

Mr. Papalas: Yes, I have some comments based on things that were said at the beginning of the meeting. One of our constituents had several questions to ask and I want to allude to those

questions and some of the answers that she got in return. There were in recent months two financial plans that were put forth; one from the last administration which three members of this council voted for, actually it was unanimous at the time since the others were not here then, and that plan stated that the dispatchers would have gone to 911. They wouldn't have lost their jobs. We don't want them to lose their jobs because they are high quality employees. So the question has never been whether or not they were doing their jobs, they always do their jobs and they did it superbly well, but like the Health Department, we couldn't afford some things any more. The Health Department is gone. So we passed this plan and then the administration changed and so did the mentality of some people in the room. We had a philosophical difference between the outgoing Mayor and the incoming Mayor as far as keeping the dispatchers, we had a change of mind on the part of some of the council members, the new ones who came in didn't all see it the way I thought I was seeing it, and so consequently with the new plan, which was altered to keep the dispatchers here, it passed 5-2. Mr. Mientkiewicz and I voted against that with the realization that with this present plan that we are now under we've hobbled ourselves. We are crippled financially. If we had gone with the first plan, we wouldn't have been looking at layoffs. Up until the point where we took the \$200,000.00 hit that we just found out about. We can't guarantee anything after that point. However, we wouldn't be as deeply in this mess that we are in now. Nobody wanted to listen. Nobody listened five years ago either, did they Dr. Marino, when we were discussing things and warning. So now today we are faced with the problem where we don't have the police and fire we want. We have dispatchers though and now we have the Acting Chief who is asking us to spend more money from the general fund, which we don't have. You can't have it both ways. You can't have it both ways. You can't keep dispatchers and expect to find money growing on the trees at the same time. It's just not there. So you have to do here what we do at home with our checkbooks, but some people don't seem to get it. We had some police officers, not all of them a handful who said various things in various ways of communicating and wanted to keep those dispatchers. Well, they got the dispatchers. We don't have the money to do much else and so I'm just saying we keep spending money on other things with the general fund – somebody else also made that comment tonight also – it's not growing on trees folks. We can't go out and dig it up and so we have to make some tough decisions and I'm hoping that City Council will remember what we did with the dispatchers because if we continue to spend money in the future or make commitments or promises that affect the general fund, we might as well sell the place, if anybody would want to buy it. So again, just a synopsis real quick, Dr. Marino, has nothing to do with the quality of the dispatchers. They were wonderful and they are and they do a good job. We have to look at the budget. That's our job. That's our job. That's all I have to say.

Mr. McNaughton: First off, I want to remind folks I do a bi-monthly town hall. My next one is set for Monday night at 6:00 at the Methodist Church on Hartzell and Crandan open to the public. The floor is yours. Lots of stuff to talk about. I'd love to see you there and anybody from the City administration, of course, is welcome to help with that. Second, I want to say that applications for the council appointed position at the MVSD are due, I believe, Wednesday at 4:00 at City Hall. I'm going to ask members of council to keep open either the following Monday, the 1st or 2nd to bring in folks to conduct the interviews with the voting on somebody by May 4th, which would be perfect timing because the new position starts May 5th. So we would be hitting that right on the money. I do want to thank the City of Niles Police Department for the strategic plan. This is the exact type of planning that many of us are looking for from every

department in the City. This is very well done so I want to commend the Chief and I want to commend Lt. Vellecco for throwing this together. It is my hope and expectation that every department in the City come up with something this good if not better. This lays out a very easy to read plan, so my thanks to them. That's all I have.

Mr. Papalas: I have a question, if I may ask. The candidates for the MVSD position, do they have to be City residents?

Mr. McNaughton: Good question. It was in the post that was put out. Really, the only requirement to be a candidate for that board position is to be a resident of the City of Niles as open ended as possible so we are doing our research to figure out the right questions and all that so that is a very good question so thank you.

Mr. Mientkiewicz: Just a quick comment on Draft No. 31-16. I just want to clear up for the audience and I did want to mention this at last council meeting. This Draft is in place for the sole purpose of advertising for bids for a phone system. We are not by all means purchasing a phone system. We are simply advertising for bids. It's going through the legislation process. There will be a full bid opening at that time and we will have a true number on what it will actually cost us to implement a voiceover phone system. So I just wanted to clear that up. We are not purchasing anything at this time until we do get a true number. As far as that goes, the reason we are doing this is to cut cost, cut both the phone bills and we're doing this as a cost-saving measure. Technology is in place in the 21st Century to reduce costs. That is the sole purpose of technology and we felt, myself and the IT Director, felt that this could be one way to sufficiently reduce overpriced phone bills so that's why that's in place, but again by no means is this a piece of legislation that is going to allow for the purchase of a voice over phone system. I wanted to clear that up. One more thing, in regards to Chief Holland's comment about our officer, we do, too, want to bring people back. That's again our number one goal, especially our young guys. We need these guys for the future of our town. We want to bring them back. I think Mr. Merlo was clear with his statement and his projection for the general fund, unfortunately. I don't want to be premature in things and put the cart before the horse, it's my hope and it's going to be a struggle and it is going to be very difficult but my hope is in August once we start seeing these tax dollars roll in, once we start getting accurate and true numbers, that at that time, the Mayor will be able to bring in an officer and bring them back one by one and bring them back as a plan and bring them back as we can afford to. That is my hope in August we are able to do that.

President Marino: Those numbers would be the revenue side of the tax. I want to make sure that you're thinking of the revenue and not our numbers from the Auditor. Words seem to get twisted regularly so I wanted to make sure that is clear.

Mr. Dibble: I just wanted to add on top of you that it may be just better to advertise as feasibility study. We need the numbers for the RFP to do a feasibility study. I'm not sure if you can change the way you're doing it. If that helps you.

President Marino: It's accomplishing the same thing.

Mr. Mientkiewicz: By all means, if there are questions afterwards, I'm sure myself and Mr. Dibble will stick around for any more questions. Thank you.

ADJOURN

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

LORI KUSZMAUL, Clerk of Council

ROBERT MARINO, JR., President of Council