

## COUNCIL MEETING MINUTES

June 1, 2016

Niles City Council held its regular meeting on June 1, 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 Marchese, seconded by Lastic to accept the Minutes from the May 18, 2016 regular council meeting and place them on file.

Motion carried.

### REPORTS AND COMMUNICATIONS

**FROM** The Niles Income Tax Department  
Monthly Receipts Totals through May 2016

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

**FROM** The Niles City Auditor

Statement of Cash from Revenue and Expense from 01/01/16 to 04/30/16

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

President Marino: Thank you. Next order of business is public remarks. Before we entertain public remarks this evening, I want to remind everybody about the expectations of the Chair regarding the decorum and appropriate behavior. Should anyone decide to raise their voice, impugn character and act in a way that the Chair feels is unprofessional, you will be directed to sit. If you choose to disregard the Chair's direction, the Chief of Police and Office Miketa will remove you. There will be no exception to this. We will never have a repeat of what occurred here two weeks ago so long as I sit in this chair. That will never ever happen again. We will not refrain speech, you will be given your five minutes, but that speech will not be acrimonious, unprofessional or impugn character. Are we all clear on the expectations? With that said, Mr. Santell, your name and address, sir.

### MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

William Santell, 233 Moreland Drive, Canfield. I'm also the President of International Association of Firefighters Local 320. Mr. Mayor, I have a question for you that goes a long way back. A letter dated February 11<sup>th</sup> from Andy Bickerstaff who many people know is one of our laid off firefighters and also the chief inspector for our department. Andy made some

proposals to you by changing the schedule of fees, updating the false alarm ordinance from 1993 and in his closing he asked that if you had any questions to please contact him. I've spoken to him recently and he'd like to know what's going on with this so we can generate some revenue in the Fire Department inspections and pretty much knowing when we can do that?

Mayor Scarnecchia: Well, hopefully we can get him back to work so he can be the one to do the inspections because he knows it, but now I think the letter is still in the hands of the Law Director, right?

Mr. Dull: Yes, I need to get back with the Safety Committee. I will follow up and take some action.

Mayor Scarnecchia: Will you have an answer by next week?

Mr. Dull: Probably the middle of next week.

Mayor Scarnecchia: Okay.

President Marino: Thank you, Mr. Santell. Anyone else which to address Council?

Al Cantola, 208 Vienna Avenue. I have two quick questions today. In the roundtable meeting, it was brought up with the checks being brought back into the city, the refund checks for our insurance, a question was brought up initially if it had occurred in the past and nobody really had a good answer. I was just wondering from the Mayor, are we going to appoint somebody to possibly look into that from years past? I mean, when I hear a question asked and a gentleman who is an expert on what's he's discussing, pauses for an extended period of time, it tells me that we should look further into that to bring money back into the City. I'm not saying you need to give me an answer today, Mayor, but what I'm saying is that would be something that maybe we could appoint somebody to and they could then go up to Council and give us some feedback on what possibly what maybe it is, maybe it's not, but at least look further back into it. So I'm not necessarily looking for an answer today, but if that's something we could consider I think that would be an awesome thing to do.

Mayor Scarnecchia: We will entertain that idea, Mr. Cantola. We will entertain that.

Mr. Cantola: Thank you very much. Second question I have is there are two trucks on here for the Light Department today, 47 foot and a 53 foot possibly funded from a state program. Do we need two light trucks that extend over 47 feet?

Mr. DePasquale: Yes, we do.

Mr. Cantola: We don't have anything like that now?

Mr. DePasquale: We're two trucks short right now. We have one 50 footer in service right now. We have always had three trucks. The smaller trucks are 20 to 30 feet, but they can't reach high

enough. So in the case of a storm where we have trucks all over the City doing multiple outages, we need –

Mr. Cantola: Generally a truck (inaudible) I understand your concerns. Can we hold off on purchasing more trucks at this time? If all we have is one right now and is working and in service –

Mr. DePasquale: That's not enough, Mr. Cantola.

Mr. Cantola: I understand that.

Mr. DePasquale: And those trucks are a year away, don't forget. Those trucks take a year to be built and arrive.

Mr. Cantola: We are surviving on one right now, let's look at one from the state and get financially back on our feet and then look at the second vehicle. That's all I'm saying to Council. The Service Director is saying we need three and we can possibly look at the state for one. We've been running on one so having three is just going to be three more trucks with insurance on these vehicles and such.

Mr. DePasquale: We're not adding two more. We're just going up to where we have been for years. Back to where we were. We need three trucks. That's what we should have. That's what the Performance Audit calls for, also. We should have that for 16,000 customers. That's the equipment we need.

Mr. Cantola: Is there a number for police and fire with that same information?

Mr. DePasquale: Yes. The Performance Audit – I don't have the exact numbers, but there is.

Mr. Cantola: Because that's more of a concern, I think, for the citizens.

Mr. DePasquale: I agree with you. I would love to see police and fire at full staff.

Mr. Cantola: I understand.

Mr. Mientkiewicz: Jim, do you want to mention for the audience what account those are being paid out of so nothings misconstrued.

Mr. DePasquale: That's out of the enterprise fund, the light department, which is very healthy. It is unencumbered money that is designated is these trucks and we have to have them. They're a long time coming.

Mr. McNaughton: Jim, just a reminder, how old are these trucks?

Mr. DePasquale: The truck that we sent back that blew up the engine was 16 years old. These trucks normally are 12 to 14 years and they become unsafe and the last time we kept trucks this

long was in the '80's and we almost had three guys killed because the boom collapsed on a line truck because of its age. You have to replace these trucks. We are passed the time they need replaced. Actually it should be every 8 to 10 so we're way over that.

President Marino: Thank you. Mr. McCloskey, your name and address?

Tom McCloskey, 94 Fairlawn Heights Boulevard. Before I start, I would like you to answer this question.

President Marino: Tom, you have to direct to me.

Mr. McCloskey: (inaudible) directed to Mr. Cantola.

President Marino: Tom, you are going to speak to the Chair. You are not to engage in conversations with members of the audience.

Mr. McCloskey: I was head of vehicle maintenance for 20 some years. The life expectancy on a line truck is about 10 years and then they start to (inaudible) Like the Service Director mentioned, we had two come down and we had three guys injured; two of them very seriously. If you keep them longer than that it starts costing money and it could cost somebody their life. That's my agenda on that one. My second agenda is addressed to City Council and the Administration. There's a lot of tension going on in the city between the workers and the people. The Mayor and Council need to work together because you're getting railroaded by the State of Ohio. The State Auditor comes in here and makes demands that they can't do. I know this for a fact. I've been in contact with the State (inaudible) and they tell me that they are overstepping their bounds. My main thing here is you have the staffers you want to get rid of, (inaudible) they have the most tension of anyone in the city. They're trying to help save lives. The fire, police, you need to get off their backs, they don't need the tension. They will go crazy. Please. That's all I have to say.

President Marino: Thank you. Mr. Marino?

Bob Marino, Sr. I'd rather him be there and me be here. I want to thank Mr. Dull first of all for writing the legislation for the Purple Heart. These guys gave a lot. I don't have a Purple Heart and I'm a disabled veteran, but I appreciate it. I appreciate what council did and Mr. DePasquale. I will get with Mr. DePasquale and find out where he wants to put the signs up, but I do appreciate it.

Mr. DePasquale: I'll get with you. Thank you.

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

George Kuriatnyk, 1206 Mason Street, Niles. I do want to apologize to you for last week and City Council. Tensions are high and I do want to apologize and I do agree, you do a great job up there. When you get that look, I know it's time to sit down. On the Agenda 57-16 and 59-16 about the parks wanting to purchase equipment and then there's 64, 65 about the Water

Department. Did you see the Performance Audit on the Water Department that they sold water that they didn't even know? Is that true? If so, do they have to go and buy the water and not collect no money for it because they already collected money and didn't have the water? I'm trying to get it straight.

President Marino: It was in the Performance Audit. That is what it stated, but without having it in front on me, George, I'm reluctant to answer. I do believe that the Performance Audit went on to say that the installation of the water meters and the installation of the commercial meters would better enable us to keep track of the amount of purchased water from MVSD. Additionally, we believe that the improvements in software within the Billing Department has assisted in keeping track of the water bills compared to what's purchased, which is one of the reasons why we believe that the water fund, according to the State Auditors, will return to a positive fund balance next year. I believe that there were multiple things that led to those discrepancies in the Performance Audit and there were discussions with Mr. Pyers concerning that. Beyond that, I don't remember exactly what they were.

Mr. Kuriatnyk: So they have issues too over there with software and stuff?

President Marino: I can't comment on that. I don't believe they would. I don't know. I don't work there.

Mr. Kuriatnyk: So the money that they said they are gaining – it don't make sense. Four hundred thousand dollars they paid on the water –

President Marino: I have faith in Mr. Tatalovich at the MVSD. He is the CFO. They, too, have public meetings and our new Board Member is here regularly so I'm certain he is listening attentively to this discussion and he will go back and find out what's what and I'm sure he will update the Utilities Chairman.

Mr. Kuriatnyk: Also, on the Agenda when they say unappropriated funds to appropriated accounts, can't you be more clear on that?

President Marino: Here's why that occurs and that's a good question for the public. Council is controlling the purse strings right now. They are controlling the appropriations so what they're doing is they are taking money out of unappropriated funds and they're putting it into accounts to allow the Administration to be able to expend those dollars. If they had totally funded those positions at the beginning of the year, the Administration per se could have spent those monies accordingly. Council and the Finance Committee and actually all these fine folks over here are paying careful attention to our finances and they are going slow and steady with requests from the Administration regarding expenditure of funds. I know that is difficult for the Administration, but it is the prudent way to go at this particular time so in terms of Mr. Steffey's leadership and Mr. McNaughton with Finance, Utilities, Steven with the IT and all the rest of them, they are doing a good job. So that's what that means. They're moving money within funds so that it can be spent.

Mr. Kuriatnyk: I understand, but can it be made clearer so that we understand that? When there are funds being moved around like with wages in the Water Department, to me that sounds like you're giving somebody a raise.

President Marino: No. No. What occurs there, for example, is that the City of installing water meters and we're expending dollars in those accounts to pay for employees on Saturdays to get those water meters installed. We're drawing down those wage accounts. So Council has to reappropriate money to fund those wage accounts. Those are the kind of things that are taking place. I can assure you that Council, the Auditor, the Service Director and Mayor are paying attention to the revenue.

Mr. McNaughton: I think what you're getting at is -- and this is something we talked about at previous meetings -- it's one thing to have this on the website, which is great, but it's quite another to have the actual legislation that goes into the specifics of what this is talking about. So I'm presuming that you would and others would like to see the actual legislation ahead of time.

Mr. Kuriatnyk: There are 16 things on here that you guys will pass and everything's an emergency, you're going to pass it. We just don't know where it's going.

Mr. McNaughton: I sat out there for many years and this is CliffsNotes that we're putting out now. I'm not against putting up the entire piece of legislation that goes into the specifics to answer those questions. To go from macro and micro.

President Marino: We will work on your request with the Law Director and our Clerk of Council and IT Director if we can accomplish that in short order. Mr. Sollitto?

Doug Sollitto, 2101 Robbins Avenue. I am also the staff representative for the Ohio Civil Service Employees. I should make it clear that I don't represent the police and fire, generally just State employees. We're the largest State union in the county. So that being said, there was a promise -- not promise, but premise put out several months ago prior to the election that we're going to get police and fire back. That was, like I said, not a promise but we were certainly led to believe that. Now, that being said, and now speaking as a Niles citizen, this was pushed and we were told that this was going to happen. I can tell you from working in a prison for 25 years, you can cut in other areas. It's unfortunate, but you don't cut from safety and security. I've seen it in the prison and it costs lives so the first thing you've got to do is you got to get your police back fully staffed. You've got to get your fire back fully staffed and if you got to take from somewhere else, the number one thing is to keep the citizens safe. You're not doing that if you're running undermanned with police and fire and that's the first thing you've got to do is -- I mean every citizen -- nothing is going to matter if someone is laying dead because there's not enough responders. You've got to get your police staffed and fire fully staffed -- like I said, for no other reason because it's the right thing to do let alone this was clearly promised and I don't want to get into whether it was a deception or not. This is what people were led to believe. I can't imagine that the community doesn't want to keep their citizens safe, because somebody we've had we've seen some things have happened and they've been unfortunate. I think that if anybody sitting up here cares about the right thing, it is to focus on the number one agenda and it is get our police and fire because if you don't have safety, you don't have anything else.

President Marino: Thank you, Doug. Anyone else which to address Niles City Council?

Sherry Smith, 1342 Robbins Avenue. I notice the CiffsNotes, but I would like to thank the IT Department for putting the Agenda out there in a timely manner because I was able to go through this, write down questions and call my council person who elaborated on things and I really appreciated it. Thank you.

President Marino: Anyone else wish to address Niles City Council? In the opinion of the Chair, there being no other public comments, Committee Reports?

### **COUNCIL COMMITTEE REPORTS**

Mr. Pezzano: Yes, I have a Safety Committee Report. Number one on the Agenda we talked about the update for the CCW. Second was utilizing some OVI funds to bring back an officer and the third item is about the impound lot, which Captain Holland will speak about when it's his turn. Thank you.

President Marino: Any other reports? Being no other Committee Reports would the Clerk please present tonight's legislation.

### **ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. \_\_\_\_ (Draft No. 52-16)**

#### **A RESOLUTION AUTHORIZING AND DIRECTING THE PLACEMENT OF A "PURPLE HEART VETERAN" PARKING SPACE IN ALL MUNICIPAL PARKING LOTS**

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

**YEAS: 7    NAYS: 0**

It was moved by Papalass, seconded by Pezzano to adopt this Draft No. 52-16.

**YEAS: 7    NAYS: 0**

Draft No. 52-16 has been adopted this 1st day of June 2016.

President Marino: Thank you to our Veterans for your service and thanks for leading the effort to get this through Council.

**ORDINANCE NO. \_\_\_\_ (Draft No. 53-16)**

**AN ORDINANCE MERGING THE OFFICE OF DIRECTOR OF PUBLIC SAFETY WITH THAT OF DIRECTOR OF PUBLIC SERVICE; AMENDING IN PART ORDINANCE NO 38-15; AND DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Mr. Steffey: I would just like to say that this is really a formality. Mr. Hogan retired two weeks ago and Mr. DePasquale is taking over those duties and we appreciate your taking on the added duties.

It was moved by Steffey, seconded by Pezzano to adopt this Draft No. 53-16.

**YEAS: 7    NAYS: 0**

Draft No. 53-16 has been adopted this 1st day of June 2016.

**ORDINANCE NO. \_\_\_\_ (Draft No. 54-16)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 163.01 "BONDS" TO ELIMINATE CERTAIN BOND REQUIREMENTS; AND THE DECLARING OF AN EMERGENCY**

Mr. Mientkiewicz: John, please elaborate on this a little bit.

Auditor Merlo: What we did is we're doing a blanket bond across the City for bonding issues and we're only going to bond by Ohio Revised Code the Auditor and Treasurer and the rest will be done as a blanket bond for the rest of the employees who handle cash.

President Marino: What's the bond? \$50,000.00?

Auditor Merlo: Yes.

President Marino: Do we get any reimbursement for the theft that occurred in the Treasurer's Office from the bond?

Auditor Merlo: We have not yet. We just recently received a letter (inaudible)

President Marino: Okay.

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

**YEAS: 7    NAYS: 0**

It was moved by Papalas, seconded by Lastic to adopt this Draft No. 54-16.

**YEAS: 7    NAYS: 0**

Draft No. 54-16 has been adopted this 1<sup>st</sup> day of June 2016.

**RESOLUTION NO. \_\_\_\_ (Draft No. 55-16)**

**A RESOLUTION AUTHORIZING AND DIRECTING THE DEVELOPMENT OF A  
COMPETENCY TESTING POLICY FOR NEW EMPLOYEES OF THE CITY**

Mr. Steffey: This is legislation that basically will allow the development of a plan that's very similar to Civil Services that we will use it in the City of Niles to bring in the right employees and make sure they are qualified for what they're being hired for.

President Marino: I'm very happy to see that my suggestions that I offered at the last council meeting were being addressed in terms of putting in place a more transparent employment procedures within the City regarding some Civil Service-like assessment. Mr. Steffey I certainly appreciate your leadership and also those who participated in the development of this. I think this is a very good step in the right direction regarding employment and transparency. Thank you very much.

Mr. Mientkiewicz: This will affect new employees?

Mr. Steffey: That's right.

Mayor Scarnecchia: What committee of council will help put this together? Will it be council as whole?

Mr. Steffey: Council as a whole.

President Marino: I would also, Mayor, request that the Civil Service Commission lend its assistance. They do have experience in putting together assessments for the police and fire and I'm quite certain they have resources available to them that would assist in development of a policy regarding a general test and aptitude ability for all city positions.

Mayor Scarnecchia: Thank you.

It was moved by Steffey, seconded by McNaughton to give this Draft a first reading.

**YEAS: 7    NAYS: 0**

Draft No. 55-16 has received its first reading.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 56-16)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF A FORTY-SEVEN FOOT WORKING HEIGHT UTILITY TRUCK FOR THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY**

It was moved by Steffey, seconded by Lastic to give this Draft a first reading.

**YEAS: 7    NAYS: 0**

Draft No. 56-16 has received its first reading.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 57-16)**

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED PARK FUND TO SEVERAL PARK ACCOUNTS; AND, DECLARING AN EMERGENCY**

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

Auditor Merlo: These are wages and benefits that will get the Park Department through the end of June.

Mr. Steffey: We're basically going month to month and see where we're at at the end of the month.

President Marino: This is based on what the Fiscal Supervisor shared with us at the Fiscal Commission meeting those of you that were here. They wanted us to fund certain departments from the general fund month to month until we get a better handle on our revenue out of the Tax Department to see if we need to adjust our anticipated revenue up, so that's why this money is being moved around.

**YEAS: 7    NAYS: 0**

It was moved by Papapas, seconded by Lastic to adopt this Draft No. 57-16.

**YEAS: 7    NAYS: 0**

Draft No. 57-16 has been adopted this 1st day of June 2016.

**RESOLUTION NO. \_\_\_\_ (Draft No. 58-16)**

**A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY**

Mr. Mientkiewicz: Any specific vehicles?

Chief Holland: (inaudible) unclaimed in the impound lot. We've already got titles for five of them. (inaudible)

Mr. McNaughton: The number is five?

Chief Holland: Five titles.

Mr. Steffey: Is that money that will go into the Maintenance Account?

Chief Holland: We're going to put that back into the Impound Account.

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

**YEAS: 7    NAYS: 0**

It was moved by Pezzano, seconded by McNaughton to adopt this Draft No. 58-16.

**YEAS: 7    NAYS: 0**

Draft No. 58-16 has been adopted this 1st day of June 2016.

**RESOLUTION NO. \_\_\_\_ (Draft No. 59-16)**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE PARK DEPARTMENT'S ATHLETIC ACCOUNT TO THE EQUIPMENT PURCHASE ACCOUNT IN PARK DEPARTMENT; AND DECLARING AN EMERGENCY**

Mr. McNaughton: So to kind of answer your question, \$700.00 that we're looking at in this legislation.

Ms. Marchese: It's for a lease, correct?

Auditor Merlo: Correct. A mower that was leased by the Park Department a few years back and they're making their final payment. It's not a change in their appropriations and it's not a change

in their budget, we're just moving money from one line item to another line item. It's the same appropriations that were already in place.

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

**YEAS: 7    NAYS: 0**

It was moved by Papalas, seconded by Lastic to adopt this Draft No. 59-16.

**YEAS: 7    NAYS: 0**

Draft No. 59-16 has been adopted this 1st day of June 2016.

**RESOLUTION NO. \_\_\_\_\_ (Draft No. 60-16)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED DUI FUND FOR WAGES AND BENEFITS, AND, DECLARING AN EMERGENCY**

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

Mr. Mientkiewicz: This is going to reinstate our police officer?

Chief Holland: Yes.

Mr. Mientkiewicz: Mayor, did you let these guys know? We brought one guy back, right?

Mayor Scarnecchia: Yes.

Mr. Steffey: Hats off to you Chief.

Chief Holland: Last night was his first day back.

Mr. Steffey: That's great. We appreciate your hard work.

President Marino: This is the direct result of the leadership of Acting Chief Holland. It was you that brought it forward and you have to give credit where credit is due, Chief, and it was you. Yes, it was a team effort, but it also starts with leadership. We recognize your leadership and it is certainly appreciated, so keep up the good work. To the members of Council and our Auditor, thank you, too.

**YEAS: 7    NAYS: 0**

It was moved by Pezzano, seconded by McNaughton to adopt this Draft No. 60-16.

**YEAS: 7    NAYS: 0**

Draft No. 60-16 has been adopted this 1st day of June 2016.

**RESOLUTION NO. \_\_\_\_ (Draft No. 61-16)**

**A RESOLUTION AUTHORIZING QUARTERLY CASH TRANSFERS; AND,  
DECLARING AN EMERGENCY**

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

Auditor Merlo: This is a routine cash transfers out of the general fund and this is where we fund the police and fire ½%, fire pension and police pension and also includes the parks.

**YEAS: 7    NAYS: 0**

It was moved by Papalas, seconded by Lastic to adopt this Draft No. 61-16.

**YEAS: 7    NAYS: 0**

Draft No. 61-16 has been adopted this 1st day of June 2016.

**RESOLUTION NO. \_\_\_\_ (Draft No. 62-16)**

**A RESOLUTION APPROPRIATING AND TRANSFERRING FUNDS FROM THE  
IMPOUNDING/TOWING FEES FUND TO THE GENERAL FUND; AND DECLARING  
AN EMERGENCY**

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

Auditor Merlo: This is an ordinance to pay back the general fund. At the beginning of this year we made an advance payment to the impound/towing yard \$10,000.00 and due to the police department and their outstanding efforts at the impound yard, they have generated enough revenue already to pay that back in three months so kudos to them.

Mayor Scarnecchia: The impound lot this past week has been very very busy so we're expecting a very good six months and next year too. It's working folks. We're getting additional money for the general fund and it is working.

**YEAS: 7    NAYS: 0**

It was moved by Lastic, seconded by Papalas to adopt this Draft No. 62-16.

YEAS: 7    NAYS: 0

Draft No. 62-16 has been adopted this 1st day of June 2016.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 63-16)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S WAGE, BENEFITS, EDUCATIONAL AND EQUIPMENT PURCHASES ACCOUNTS; AND, DECLARING AN EMERGENCY**

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

Mr. Steffey: We may have to revisit earlier legislation because I just found out that the bids are only good for 30 days. We are not going to get more than two hearings to deal and appropriate this money.

President Marino: When do the bids expire, Terry?

Mr. Dull: I don't have it with me. Generally they are required to be at least 30 days so we would have check and see.

President Marino: Folks, you cannot by rules go back and revisit any ordinances that have already been acted upon, so you're only option is to wait until June 15<sup>th</sup> or schedule a special meeting for the expressed purpose of addressing the specifics relative to that bid deadline.

Mr. Steffey: Maybe we can couple these together and give them a first reading today and then schedule a special meeting.

President Marino: So Mr. Steffey is making a motion to rescind his motion for suspension. Mr. Papalas, do you second that? To rescind the suspension?

Mr. Merlo: You can authorize this truck now and then have (inaudible).

Mr. Steffey: It doesn't matter to me. It really doesn't.

President Marino: All right. So you're going to keep the suspension?

Mr. Steffey: Yes.

Mr. Mientkiewicz: This one is for the truck?

Mr. Steffey: Yes, there's two of them.

President Marino: 63-16 is for the truck?

Auditor Merlo: That appropriates the expenditure.

President Marino: Okay. I understand.

Auditor Merlo: There's an equipment purchase line.

President Marino: I see. So there's a motion to suspend. Any other comments? Call the roll for suspension.

**YEAS: 7    NAYS: 0**

It was moved by Papalas, seconded by Lastic to adopt this Draft No. 63-16.

Mrs. DePasquale: On the trucks, Mr. Steffey, we went out to State purchasing with these and we went out for bids as requested by Council. We did everything you asked us to do. Why a first reading?

Mr. Steffey: We just suspended.

Mr. DePasquale: Thank you.

Ms. Marchese: This is contradicting –

Mr. DePasquale: No, I got it.

Mr. Steffey: It's suspended and we'll schedule another meeting. You've done what you needed to do to satisfy myself.

Mr. DePasquale: I did everything you asked, so there's no reason to hold it up.

Mr. Steffey: That's what we're working on through here.

Mr. Mientkiewicz: I guess there is a time constraint.

Mr. DePasquale: Right.

Mr. Mientkiewicz: But I don't see a problem since you're spending hundreds of thousands of dollars letting the piece of legislation fall through the legislative process just for housekeeping. That's all.

Mr. DePasquale: We've been through this. We sat in meetings and went through this and did everything you asked us to. This should all be cleared up and ready to go.

Mr. Mientkiewicz: Maybe we've got to work on our timeframe.

Mr. Papalas: Jim, we'll get it through.

Mr. DePasquale: Okay.

President Marino: Call the roll.

**YEAS: 7    NAYS: 0**

Draft No. 63-16 has been adopted this 1st day of June 2016.

**ORDINANCE NO. \_\_\_\_ (Draft No. 64-16)**

**AN ORDINANCE AMENDING THE AUTHORIZED WORK FORCE ORDINANCE TO ADD THE POSITIONS OF IMPROVEMENT INSPECTOR/LABORER TO THE WATER AND SEWER DEPARTMENTS; AND, DECLARING AN EMERGENCY**

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

Mr. Mientkiewicz: This was signed off by the Auditor, correct? This was part of the Mayor's plan?

Mr. DePasquale: Yes.

Mr. Mientkiewicz: And it was approved by the Auditors, correct? Transferring these employees?

Mr. DePasquale: Correct.

Mr. McNaughton: Is it a transfer or just for the new hires?

Mr. DePasquale: This is a transfer.

President Marino: Transferring employees out of the engineering department into the water department.

Mr. DePasquale: We are eliminating the engineering department.

**YEAS: 6    NAYS: 1 (Mientkiewicz)**

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 64-16.

**YEAS: 6    NAYS: 1 (Mientkiewicz)**

Draft No. 64-16 has been adopted this 1st day of June 2016.

**ORDINANCE NO. \_\_\_\_ (Draft No. 65-16)**

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

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

Auditor Merlo: The next two pieces of legislation, one for water and one for sewer, they correlate with the 64-16.

**YEAS: 6    NAYS: 1 (Mientkiewicz)**

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 65-16.

**YEAS: 6    NAYS: 1 (Mientkiewicz)**

Draft No. 65-16 has been adopted this 1st day of June 2016.

**ORDINANCE NO. \_\_\_\_ (Draft No. 66-16)**

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

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

**YEAS: 6    NAYS: 1 (Mientkiewicz)**

It was moved by Steffey, seconded by Marchese to adopt this Draft No. 66-16.

**YEAS: 6    NAYS: 1 (Mientkiewicz)**

Draft No. 66-16 has been adopted this 1st day of June 2016.

**ORDINANCE NO. \_\_\_\_ (Draft No. 67-16)**

**AN ORDINANCE CREATING THE CONCEAL AND CARRY WEAPON TRAINING FUND (CCW TRAINING FUND); AND DECLARING AN EMERGENCY**

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

Ms. Marchese: I have a couple questions that I had asked Mr. Dull in our meeting before and it pertained to the (inaudible) and I'm kind of a little nervous about the one part that's it's going to happen where we train our police which is down by the trails and where the sewage – is that where the training is, down off the Summit back in that area? I guess my biggest concern would be where the four wheelers are back there and it being pushed further back. Could someone get hit by a stray bullet? Is there anything to stop any of that? Is there something in our insurance? Anything along with that because it has really gotten pushed back more where you guys are shooting and they're back there?

Mr. Dull: Our insurance covers all operations; anything done under the cover of the government. At least at this point there would not be a change in the insurance.

Ms. Marchese: Would we have to put any kind of clause into that to do that? Don't we have a better rifle range or anything that they could go and train at?

Chief Holland: We have shot down for 10 years. There's mounds of dirt and rubber backstops.

Ms. Marchese: That's back there now even with the construction going on?

Chief Holland: We won't be back there until they approve it (inaudible)

Ms. Marchese: That was my concern with everybody on those trails with all the construction back there what is going to happen and God forbid something does happen, where are we going with our insurance?

Chief Holland: (inudible)

Mr. Catanzarite: The construction at this point is not on the range at all. The range, as it stands, is untouched. (inaudible) not getting people back there while under construction.

Ms. Marchese: That was a lot of my concern with everything going on down there.

Mr. Catanzarite: Councilwoman. Construction is not affecting the range at all, except they cannot come out and shoot 500 feet away right now. The range will be left intact. It's just getting people to the range.

Ms. Marchese: Going around with all the construction that is going on back there until we – I guess between build up – I haven't been back there for a long time since all that went on and seen what they are going, my concern is what's going to happen further back there? Haven't you guys been pushed further back there?

Mr. Catanzarite: Councilwoman. Construction is not affecting the range at all, expect they cannot come out and shoot 500 feet away right now.

Ms. Marchese: And we don't need an extra insurance policy or anything like that?

Mr. Dull: No.

**YEAS: 6    NAYS: 1 (Mientkiewicz)**

Draft No. 67-16 has received its first reading.

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 68-16)**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A 55 FOOT WORKING HEIGHT UTILITY TRUCK FOR THE LIGHT DEPARTMENT THROUGH THE STATE PURCHASING PROGRAM; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

It was moved by Papalas, seconded by Lastic to adopt this Draft No. 68-16.

**YEAS: 7    NAYS: 0**

Draft No. 68-16 has been adopted this 1st day of June 2016.

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

**MISCELLANEOUS REMARKS**

Mayor Scarnecchia: The only thing I wanted to say is I'm disappointed, but I understand that our State Auditors are supposed this month to come up, hopefully, with a new bi-year plan. We are losing money because we don't have a zoning inspector and this is the peak time of the year for that and I'm just afraid it's going to run wild. People will be building decks around their neighbor's house and get away with it because there's no inspections and no fees. We're losing money. Also, I do like the development of the competency testing policy for new employees. I have been Mayor for five months now and haven't hired anybody, so that will be great but does it also go for political office seekers?

President Marino: Well, it depends on who you ask. To be perfectly honest with you, I give the people far more credit because elections do have consequences and I think the people are doing what they feel is best.

Mayor Scarnecchia: That was just a little touch of humor this evening.

President Marino: I know, Tom. Concerning the zoning inspector, if you recall Mayor, I asked the Fiscal Supervisors during the meeting if we could move forward on the Service Director's plan and they asked for more time. I would suggest that you reach out to them as quickly as possible and see where they're at on the revisions to the five-year forecast in terms of revenue. I would also ask that the Treasurer be invited to that meeting along with the Auditor to see where we're going to be with revenue because the Treasurer provided us with a report tonight indicating that the revenue is up \$137,000.00. I suggest that you reach out to them sooner rather than later and have them in your office to begin the process of revising those numbers. I think if you invite them down, they will gladly come and work with you.

Mayor Scarnecchia: I'm pretty sure they are coming to town tomorrow, right?

Auditor Merlo: A meeting is set tomorrow.

Mr. DePasquale: One thing. We talked earlier about this, we put out the bid last month for the HVAC unit at the administration building and today was the bid openings and we received no bids. So I'm going to have to sit down with the Finance Committee. We do have a proposal from Roth Brothers, the original proposal and that was for \$194,000.00 and change so we're going to have to make a move here shortly. So whenever you guys want to get together, we need to do that.

Chief Holland: I told you we had an officer back last night. We also made a \$10,000.00 payment on the loan to the general fund and the lot is doing well. If we keep doing what we're doing, (inaudible) by the end of the year.

Mr. Dull: Since we had a public hearing tonight on the change to the zoning ordinance on the commercial districts, would you like to have it on the Agenda for the next meeting?

Mr. Pezzano: Yes.

Mr. Crowley: Just real quick, a final reminder about our Neighborhood Housing Assessment. We are meeting this Saturday at the Wellness Center at 10:00. There will be about 75 volunteers and it's a great way to start. So if you come at 10:00, we have donuts. You don't have to do it that way, but you will receive your package and you'll have basically 30 days to complete it. If you have any questions, please contact me. Thank you very much.

Auditor Merlo: The only thing I have is I sent everyone e-mails about Community Bus Services. They are 2015 (inaudible) transfer for the next meeting council as a whole so we can transfer the money and get that bill paid. Other than that, I gave you a Statement of Cash and that is through the end of April and shows our balance through the end of April. Hopefully, by the next few meetings we should have May's reconciliation.

Ms. Marchese: No bill came in on that (inaudible)

Auditor Merlo: We paid 2015's payment in 2016 and in 2017 we'll pay 2016.

Janet Jones: We are \$437,000.00 ahead for this year in tax collections and we have reconciled through the end of April (inaudible).

President Marino: That's great news. Thanks to you for the progress in that office. It is noted and appreciated.

Mr. Catanzarite: Just briefly, the wastewater plant is moving along. I reported last meeting that we are doing work on Ridge Road at the water tower. A new vent was put on today and it's been draining slowly. We will finish the cleaning next week. Again, don't worry if you see guys handing on ladders. There's no problem, just routine maintenance. We are required by the State to put out once a year a Consumer Confidence Report. That has been turned into the City. Mr. Dibble has posted that on our city website and Stephanie also has it if you want it. There is a note in there that's attached from MVSD back last September they inadvertently forgot to do one set of testing, which was the testing of well water. It has nothing to do with water leaving the plant. Because they forgot to do it, there's a one page note in there explaining they did not do it and their target date (inaudible) there is nothing to be done. There is no corrective action. It's already been taken care of and nothing to be alarmed about. It just had to be attached to the report.

Mr. Papalas: Couple of things. We need the ordinance for the Community Bus Service. Should we make a motion to do that now? Terry, do you want to put that motion on the floor now? Jeff, I want to thank you for taking care of that issue today. It was appreciated. Mr. President, I had the sense tonight that there was a little bit of confusion concerning our ordinances. I would like to make a suggestion that maybe we meet, for a while anyway, half an hour before council for a caucus so everybody's aware of what we want to do whether it's suspension or first reading. That way we clear up the confusion.

President Marino: I think that's a great idea. So moving forward for all future council meetings, there will be caucus at 5:30 to discuss Agenda items that will be discussed in the council meeting. Is that all right with everybody? Is that your pleasure? That will begin on June 15<sup>th</sup>.

Mr. McNaughton: Thanks to the Chief for the outside of the box thinking and we need more of that, myself included and all of us, so thank you for making that happen. With regards to Mr. Cantola's question that he brought up earlier about trucks. Five months in I realized the next plan that I see to improve infrastructure from the past (inaudible) are the infrastructure is aging and it's all coming to a head. So it's one of our goals to within reason and within fiscal constraints try to create a plan to improve the infrastructure with all of our departments because I think it's a first step to bring us at least into the early 21<sup>st</sup> century as far as vehicles and technology. The last thing I want to say is, and I don't know if there are any members in here that's part of the committee that's going to meet next week to choose the Treasurer, it is my sincere goal that no changes be made, that we keep our Interim Treasurer. She has proven capable beyond any metric. The State is happy with her, this City is happy with her so anybody within hear shot of hearing this and who will be making a choice next week, it is my sincere

hope that you keep the status quo. Thank you for what you have done so far in helping us to get back on track and go Cavs.

Ms. Marchese: Yes, I have a couple of things. I set up a meeting for our community development. It's for a grant and they will be held on June 6<sup>th</sup>, which I might have to change but I'll notify the paper, June 13<sup>th</sup> and June 16<sup>th</sup> for the grants for sidewalks, streets, curbing and other stuff. I also want to thank Mr. DePasquale for his help and support. He'll meet with us and answer questions on how to get money so that's the three meetings that have to be set up for the Third Ward. We'll let everyone know, but it's at 5:30 right now at the top of Summit Street at the First Presbyterian Church. Second thing, I want to thank Nick Marchionte and his guys for all the hard work they did at the cemetery. They were shorthanded but they did a fantastic job. If anybody was up there on Monday for Memorial Day for the service for the Veterans, the cemetery was beautiful and everybody was extremely happy. Also, it doesn't pay for a four-wheeler to drive in front of the Police Chief. You are a hero. The Niles Police Department is a hero with our neighbors. You did a great job on that. Also, to our Fire Chief and your crew that helped with the meth lab on Summit. Every time we think that house is settled, we turn around and there are more bad problems. The Fire Department stood by as a little boy found more meth back there so I want to thank the Fire Department for your hard work. I hope very soon we get your men back to work. Also, Janet I want to thank you. If anyone knows any of the Niles Democratic – which I see our President is back there – please contact your Niles precinct people and I think you're one of them, right Bob?

President Marino: I am and I know who I'm voting for. I'm voting for Janet.

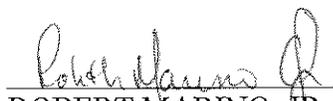
Ms. Marchese: Please contact them and make sure we do get Janet back. Anyone that knows any of them, contact them, call them. Any little thing will help.

Mr. Pezzano: Two things real quick. I want to thank Mr. DePasquale and Mike Burke from the Health Department who cut several lots in the City of Niles mainly on Fairlawn and North Road. Also, a real big thanks to Trumbull County Engineering Department along with Mr. Papalas. I have a retention pond in the First Ward that I have been trying to get done for a long time. Last year I had Weathersfield come and assist us not only once, but twice and that was embarrassing. This time Trumbull County Engineering came in and cut the grass and also dug out the cattails, so thanks again for everything.

### ADJOURN

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

  
LORI KUSZMAUL, Clerk of Council

  
ROBERT MARINO, JR., President of Council