

COUNCIL MEETING MINUTES

August 17, 2016

Niles City Council held its regular meeting on August 17, 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-A, Marino-P

It was moved by Papalas, seconded by McNaughton to excuse Councilman Pezzano from the meeting.

Motion carried.

It was moved by Papalas, seconded by Lastic to excuse Auditor Merlo from the meeting who is out of town.

Motion carried.

It was moved by Papalas, seconded by McNaughton to accept the Minutes from the July 20, 2016 regular council meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles Income Tax Department
Monthly Receipts Totals through July 31, 2016

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

Motion carried.

President Marino: Janet, is there anything in here that is an anomaly? It's all good?

Ms. Rizer Jones: We're doing very well.

President Marino: What are we anticipating certifying the year at?

Ms. Rizer Jones: (inaudible) end of August.

President Marino: What are we certified for right now?

Ms. Rizer Jones: It went up to six four.

President Marino: Well, Janet, if you get any news sooner relative to the ability of your office to certify, I know that many of us are interested in seeing what that number will be for budgeting

purposes and with all the needs of the city, that's an important number. As soon as you know, please let us know.

Ms. Rizer Jones: Okay.

FROM The Niles City Auditor

Check Report by Check Number 07/01/16 to 07/31/16

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: Before we get to the audience, we have guests with us to speak about a bridge dedication, so whoever the spokesperson is, please stand and state your name and address for the record.

Robert Marino, Sr., 729 Battles Avenue, Niles. I want to thank Council, the Administration and the people in Niles. We're one of the very few cities in the state that has as many things named for Veterans. We have the Persian Gulf, Iraq, Afghanistan, Veteran's Memorial Bridge, the high school gym is named Veteran's Memorial and now we're going to have the Korean War Veteran's Bridge. I want to thank the Veterans, of course, thank the Korean War Veterans – do we have any Korean War Veterans here? I tried to get a couple, but they're all in their 80's and 90's. I know Murph Miller is one and there's his daughter, but I do want to thank Council and the city and when we leave, we will stop, we will salute and we are saluting the flag, which is proper protocol. Again, I would like to thank Council. Steve Papalás had a lot to do with this. We worked with Steve. Ken David, who's a member of the DAV with me. He worked diligently with me. We've got a bridge in Howland that's the Viet Nam Veteran's Bridge that we named and we've got a bridge in Warren and I know the ladies will like this because the bridge on Market Street in Warren has been named the Women's Veterans Bridge and we looked all over and I don't think there is anything named for women and Trumbull County will be the first one. Whether you're a veteran or not, it's for the women. I thank Council, the administration and the City of Niles again.

President Marino: Before you finish, dad, introduce your comrades.

Mr. Marino, Sr.: Eddy Craft and he wants to say a few words too. Ken David and Mark Davis of Amvets 106.

Mr. Craft: 1510 Clark Street. I'm Commander of 106 and I'm here to thank the Veterans for their participation in making this possible and I would also like to thank Mark very much for helping us have a place to meet.

President Marino: Thanks for all your service.

Mr. Papalás: We have a World War II vet that's here, Jim Rogers.

Mr. Papalas: Mr. Marino, I think everyone realizes, of course, we value all of our vets. All of them and those who are not here today, but particularly with fewer and fewer among us, our World War II veterans are special and I was privileged to attend Jim's 90th birthday party a couple of years ago and we had a lot of fun and he even told me he was looking forward to seeing me in 10 years, so I will be there.

Mr. Rogers: I've got eight more years to go.

Mr. Papalas: God bless you.

President Marino: God bless you, Jim. That's great. Thank you, gentlemen, for chairing and leading this effort. It's appreciated. Would anyone else like to address Niles City Council this evening?

Al Cantola, 208 Vienna Avenue, Niles. I guess I just have some bullets for what I want to bring up today in addition to, I guess I'm the one that keeps harping on getting plans for what's going on and what needs to be fixed in the city. I realize the phone system is key and it's important and it's a cost savings to the city, but that was before we had potentially \$150,000.00. I know the state approved it, but you can't just keep approving things when we're spending money three and four times that to get the building up to snuff across the street. I understand and appreciate what the state's doing, but they don't know the issues that we're having and until the administration can bring those issues up to Council and say look we need item X for \$10,000.00 and we're going to put it all in that fund. Instead of waiting until things break or things happen or either accidents are happening at \$150,000.00 to \$200,000.00 accidents, yes, the state approves \$40,000.00 - \$50,000.00, now we're at \$250,000.00 if we approve the phone system moving forward. If we don't get a plan, and I'm only going by what I read in the paper, but if you read, we knew this was occurring and we patched and patched and patched, somewhere there has to be a plan instead of waiting until the roof falls in and say oh, we need \$500,000.00 to replace the roof, sorry. We can't keep waiting guys. There's no plan being put in front of you. You have to vote on a phone system today and we don't even know what it's going to cost to take care of the mold and stuff across the street. We're hiring people to work in the city, full time and part time employees and we're just adding costs to the city by the things that are occurring and maybe it's just time to look for another building. If there's something downtown maybe we can just move our city people into it and eliminate the building. It might be cheaper than \$250,000.00 for things that we have to fix across the street here. I guess I'm just airing that out because I think that's a concern of all the citizens that are here. Nobody objects to a phone system going in and everyone wants the city to save money, but if you don't have it to spend, \$20,000.00 or \$25,000.00 it's going to cost to get there because you got another building across the street, you can't just keep spending. You can't keep voting yes. We know we need additional equipment. The state offers a program to buy and lease equipment off the State of Ohio that they've already gone out and done all the bidding and leg work for us. We don't have to go to. They're guaranteeing the lowest bid on this equipment. Are we even looking at that? That's where our bids should be. The people who have already done all the leg work and guaranteeing the lowest price on the equipment, let's look at them instead of trying to find something local and whose going to be the lowest bid on what's coming in. I guess just to wrap

it up, I've kind of not really, but I've kinda scratched '15 off of my books because I attend a lot of these meetings and I attend meetings outside of here and the biggest thing is until we get a plan (inaudible) we can put a phone system in and air conditioner in and roofs on and do everything that we need to do, but honestly guys, we're not going to finish, we'll be in the red. Our water department is going to be in the red this year and it would be amazing and even when we talked about \$50,000.00 general fund number at the end of the year, \$50,000.00 is nothing to a city where \$7,000,000.00 spent on police and fire both pushing \$7,000,000.00 apiece. We're not making cuts into overtime, we're looking at this plan to get employees to pay for partial healthcare benefits, great, that's going to save us some money, but we're still spending more than what we're bringing in and you can't keep going in this direction. Thank you.

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

Paul Davis, 44 Hartzell, Niles. I would like Mr. Dibble to explain how this phone system works in lay terms.

Mr. Dibble: What would you like to know, sir?

Paul Davis: Does it operate with modems and so on?

Mr. Dibble: With modems? No, sir.

Paul Davis: What drives it?

Mr. Dibble: Your cable analog service.

Paul Davis: What drives the phone system?

Mr. Dibble: SIP is going to be your new protocol, which carries the telephone service.

Paul Davis: Who owns SIP?

Mr. Dibble: It will be carried by Time Warner. The cost of SIP lines –

Paul Davis: I guess I don't understand in lay terms. I have Time Warner phones and it requires a modem. What's different?

Mr. Dibble: Your modem is realistically a router. Most people have –

Paul Davis: Will we have a router here?

Mr. Dibble: Correct.

Paul Davis: What happens when a router goes bad?

Mr. Dibble: We will have two incoming paths. We'll have one incoming path coming into the police department and one path at City Hall. So you have a redundant failover so that if calls can't get through on one path it goes to the other.

Paul Davis: Okay. Now a router fails, who is responsible for replacing that?

Mr. Dibble: The telephone company.

Paul Davis: So we have no cost per router in the future, three, five, ten years from now, we don't have to buy another router?

Mr. Dibble: No. Those are on their end. That's part of the contract.

Paul Davis: Okay. Next question, it was recently within the last two or three months published that our Light Department accumulated a plus one million dollars in six months, is that true?

President Marino: Without out Auditor here, Paul, I don't know.

Paul Davis: Well, my question would be, what is the limit that Light Department funds or is there a limit that they can have in it?

President Marino: Without John here -- Jim, do you know, is there a limit?

Mr. Newbrough: As far as I know, there is no limit.

Paul Davis: There is no limit?

Mr. Newbrough: No.

Paul Davis: So we can go up to \$100,000,000.00 and -- I guess my point is, if we're accumulating a million dollars in six months, that's \$2,000,000.00 per year, if that's a true statement, maybe we're being overcharged for our electricity.

President Marino: Well, Paul that could be true. On the other side it could be that we have infrastructure that needs to be addressed and I would like to think, picking up on what I was speaking about, that Jim, and I think that he is, beginning to work on infrastructure improvements in town. I know sample LED lights are being tried in town and things that are going to improve the backbone of the city. Jim, how much did that transformer cost up in the main sub?

Mr. Newbrough: Well, we have three repaired and rewound, it cost about half a million dollars to get that fixed.

President Marino: So that's the Light Department's equipment and operating that and when things go bad, it's not a \$20,000.00 or \$30,000.00 fix. It's usually hundreds of thousands, so in the fall, and I don't know when the Auditor plans on holding these, we are going to have budget

hearings and it is all of our intent and the administration that we start looking long term addressing things so that what the Mayor and Service Director inherited in that City Building, and they did inherit that, those things didn't start yesterday, we can begin a long term path, not only financial recovery but infrastructure improvement recovery. So that money in the Light Department, we are going to put it to good use.

Mr. Newbrough: I want to make one more point. As a member of AMP Ohio, we are financially part of a dam on the Ohio River, a landfill project, and we are part of the purchase of our natural gas generating plant that we got two years ago. We're part of that financing. We have to keep so much money in our recovery fund to keep the credit rating and AMP Ohio up for any future projects that they need. I think the \$10,000,000.00 that we have in the bank, if we try to spend more than \$5,000,000.00 of that, we're going to hear from AMP Ohio that the credit rating is going to kill us, so there's a lot of things to consider.

Paul Davis: My point, Jim, is my \$340.00 that I'm going to pay this month, which I don't have a problem with that, am I being over charged to keep building this fund up and up and up when you've already beaten me to death on my water and my sewer, not you, Andy does that. I know we needed it, but are we going to build this electric fund up and up and up and still I go to streets where we have electronic control of our traffic lights and sit there for three minutes when I should be turning. Do you follow what I'm saying?

Mr. Newbrough: I'll have to talk to you later about that. I don't know.

Paul Davis: On 422 I've talked to you before at 46 and 422, it hasn't worked in ten years. I've retired from Packard six years ago and it didn't work then. Andrea Boulevard coming out you get about three cars through that. I remember when Disko took care of it. Right through, no problem, it worked every time.

Mr. Newbrough: I'll take a look at it. Regardless of what your bills is, if you got a \$340.00 bill, the bill the city gets a month –

Paul Davis: I'm not against the \$340.00.

Mr. Newbrough: Here is how it works. We pay on average .7 for every kilowatt hour we buy. Everyone in the city, residential, commercial and industrial averages paying us back .10. So we make .3 on every kilowatt hour that we purchase. We didn't raise the rates because it is hot. We're paying the same amount – we're making the same amount that we always did. We had a cost of service done about three years ago and we are in the process of making arrangements of having another done to see where we're at, but this isn't unusual for a Light Department for a municipal Light Department to carry this kind of balance.

Paul Davis: Well, you have educated me. Thank you very much. I would ask Andy, they just paved Vienna Road, you can go up that road and every sewer man hole is perfectly level with the road. Who's responsible for that and I think Mr. DePasquale can answer that.

Mr. DePasquale: That would be the paver. As far as moving water?

Paul Davis: To make the streets level and the manhole cover.

Mr. DePasquale: The paver.

Paul Davis: The paver?

Mr. DePasquale: Yes, sir.

Paul Davis: What ever happened on Hartzell? I think you were involved in that one? The manhole in front of my house must be that much below the street level.

Mr. DePasquale: That does happen once in a while. Did you go back to the paver and get it made right?

Paul Davis: No.

Mr. DePasquale: It doesn't always happen. I agree with you.

Paul Davis: Why don't we go back to the paver?

Mr. DePasquale: We need to go back and adjust those and get a program doing that. I agree with you. Some of them that are old –

Paul Davis: Every manhole cover is that far below the road.

President Marino: Paul, your time is up. Thank you.

Paul Davis: Thank you.

President Marino: Your name and address for the record.

Wanda Burns, 562 Wyoming, Niles. One of my co-workers the other day said you're from Niles, aren't you? And I almost said Youngstown because I didn't want to hear, you know, it's going to be something negative and I'm always trying to defend, but I said yes and they said what are you doing with the water breaks? The conversation got into that and she's on a health board, there's never boil alerts. We've had 60 water main breaks and we've never had a boil alert. We've never had a flush alert. So then I said, maybe we don't need them so I did a lot of research and I was shocked what I found out. Most, not most, through health boards and making a few phone calls, I found that the minimum we should be doing a five minute flush in each residential home starting in the upstairs and going all the way down and then turning off and the reverse. If you're immunosuppressed, you need to boil in addition to your flush and so that's my one question, why don't we? Then two, with existing phone system or a new phone system, do we have some way to send out texts messages? Alerts, whether they be weather or anything else just as they do in the schools? The school calls and tells you it's a snow day and can we not do that when there's tornado warnings, when we have a water main break, when we don't have

electricity or – there was a surprise the other day, they came and turned the water off for a few hours. They were fixing something on my street. You know what I'm saying. I understand that. It takes a little bit to knock at every door, etc. Is there anything we can do about that? Those are my questions.

President Marino: Andy, what about the water?

Mr. Catanzarite: When you get below 20 psi, we have to go to boil alert. As far as the breaks and cracks we can fix, we do them (inaudible) In other words, we will dig down, if there's enough pressure coming out of the pipe nothing goes back into the pipe. More pressure coming out than going in. As long as we can keep those that way, there's no need for a boil alert. Those are the EPA rules. 20 psi.

Wanda Burns: How do they measure?

Mr. Catanzarite: Our crews have been on enough of these that they know (inaudible) Last Monday we had a break of 422 and I personally went door to door for inspection and told them a boil alert. When we have a break, there are valves throughout the system. If you have a break at the end of the road, it does not mean you have to impose a boil alert for the next three miles. You shut it down, you section it off and alert people in that area by knocking on doors and once (inaudible) run those hydrants for an hour, two hours. The one on Monday, being a major break, we had a 12 foot section of pipe that we had to be replaced. We shut down. We made everyone aware of it. There's enough volume in the system that we can put HDH in it as we put sections of the pipe back in, it's super saturated and you wouldn't want to drink that anyway – there's really never a need unless we have a massive failure in one of the towers or we found something in the water that you would need a city wide boil alert. Everything is done in sections.

Wanda Burns: How would we know you don't want to drink that once you put the HDH in?

Mr. Catanzarite: (inaudible) very strong bleach, okay. It would dissolve in there and we put it in the system (inaudible) It flushes out pretty quick. We supersaturate it (inaudible) we have the hydrant wide open for hours.

President Marino: On the text alerts, maybe the two Chiefs can look at – I don't know if Google has something. I know some of the school districts use it. I believe Niles uses a one call system, but that costs money to subscribe to those services. Maybe the two Chiefs can look at setting up free texts that people can sign up and advise the Safety Service Director, if you don't mind. Can I have your name and address for the record, please?

Jeannie Duffy, 344 Pratt Street, Niles. I came last meeting and I was talking about the squatter across the street who lives in my neighborhood and I want to personally thank Linda Marchese, Mr. Crowley thanks very much and, of course, Acting Chief Holland, the squatter is gone, the house is boarded up. There is progress in my neighborhood and I want it to keep going. I want to see Niles great again. We came here in 1999. We have a small business. A very infamous family was breaking into our business and we lived in a very nice neighborhood in Cornersburg and we sold our house and came here and we were only going to be here for a short time and at

that time, the houses were going for a lot of money and didn't want to invest that much. I want to see Niles great like that again. Council, please do something with these renters. Do something with these rental properties. Increase the fees. Increase the fines. We have to do something with our neighborhoods. I understand people talk about the city and the finances and I agree with a lot. I voted for every police levy. I voted for every school levy. I want police officers on the street. I don't agree with them cutting man power. I only live two minutes away and it takes 20 minutes for them to get there if I have a call so obviously we need something done, but I also think if we start with the renters, the landlords, I think that's the best start. Thank you.

President Marino: Anyone else wish to address Council?

Mary Ann Miller, 209 Cherry Avenue, Niles. I have a question. Does anybody know what the protocol is for drug testing when a city vehicle is involved in an accident?

Mr. DePasquale: When a vehicle is involved in an accident, the employee has to go get tested. In our case, it's in the court in Girard, one special place and shortly after the accident gets tested for urine sample and alcohol test.

Mary Ann Miller: It can't be our own department?

Mr. DePasquale: No.

Mary Ann Miller: I know. It said in the paper that our department was going to investigate one of the accidents. There was another one today involving a vehicle and that's why I wondered.

Mr. DePasquale: Well, our police department investigates all accidents.

Mary Ann Miller: Yes, I know, but they don't do the drug tests, do they?

Mr. DePasquale: No. The drug testing is from the court in Girard.

Mary Ann Miller: Okay. The other question I have is why would the entire city shut down because of the mold in that one building? I don't understand.

Mr. DePasquale: Because they inspected the whole building and they didn't know the extent of it. I had several women sick yesterday and to error on the side of caution, we closed the building down and called an architect and my first question was is this building in good enough shape to repair? The architect gave me his report today and said it was worth repairing.

Mary Ann Miller: What about the park department, the cemetery department, those were all closed too?

Mr. DePasquale: Yes. I shut the whole city down.

Mary Ann Miller: So are you going to compensate the police and the fire by giving them an extra day with pay? Everyone was paid, right?

Mr. DePasquale: Yes, they were paid for the day. I shut down all service departments.

Mary Ann Miller: Well, then I think we owe the police and fire departments a day off.

Mr. DePasquale: That's something I would have to work out with the Chiefs, but there are people who work for the park who are in that building. Okay. The cemetery too. There are secretaries, so we just generally closed the whole building down. Again, I called in Lewis Construction who has an environmental license with the State of Ohio to come in and look at these problems and they came in yesterday and spent the whole day with me going through the building. They spent all night isolating the areas with mold. They got a lot of work done today and again, there are some things that need addressed. The repairs are contingent on the roof being repaired as far as the mold.

Mary Ann Miller: Okay.

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

Amy Cantola, 208 Vienna Avenue, Niles. Back in July, we passed Draft 76-16 and that was to bring back part time police clerk. Last week at the finance meeting, they discussed bringing the part time secretary back for (inaudible) either eight weeks or sixteen weeks. Did she come back already and what date did she come back? The part time clerk, secretary? Is she back working?

Mr. DePasquale: Yes.

Amy Cantola: She's been back two weeks. So she was actually back before we had this meeting, the finance meeting that they talked about whether we were going to bring her back for eight weeks, sixteen weeks or the rest of the year. She was already back a whole week.

President Marino: Really?

Amy Cantola: Really. Here's my other question. If we did bring her back and she stays longer than the sixteen weeks that the full timer is off, does that mean in 2017 she now has a permanent job?

Mr. DePasquale: No.

Amy Cantola: Okay. So if she is here until 2016, she is no longer employed in January 2017 because we'll have our full time person back?

Mr. DePasquale: I believe that's up to – as far as the dollars – council to approve that position to go on.

Amy Cantola: What are we having her do if we have a full time person back?

Mr. DePasquale: I think the Police Chief –

Amy Cantola: You're the Service Director, can she do that because I would love to have a Safety Director so (inaudible) Anyway, I would like to move on. Maybe you can figure that out amongst yourselves how that happened. Thank you very much for being able to put applications for employment online. I think that was huge. I don't know how many people you had apply. I was wondering how that process went because we were looking into a new hiring process, whether council, a committee or who's included in the interview, how we were doing that, so I was wondering how many applications did we receive from our online?

Mr. DePasquale: 20.

Amy Cantola: 20?

Mr. DePasquale: 20.

Amy Cantola: And your process was?

Mr. DePasquale: Process was to send them for drug testing and background check.

Amy Cantola: And how did that go? Did that bring it down to 10?

Mr. DePasquale: Yes, pretty much went from 20 down to 10.

Amy Cantola: Who interviewed them?

Mr. DePasquale: Mayor, myself and department head.

Amy Cantola: And how many people did you hire?

Mr. DePasquale: We hired two this week for the Water Department.

Amy Cantola: That's great, but I really do appreciate you guys putting it on line. That was really great.

President Marino: Anyone else wish to address 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?

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. _____ (Draft No. 84-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S WAGE AND BENEFITS ACCOUNTS TO FUND THE E3 OPERATOR POSITION; AND, DECLARING AN EMERGENCY

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

YEAS: 4 NAYS: 2 (Papalas, Mientkiewicz)

This Draft No. 84-16 has received a second reading.

RESOLUTION NO. _____ (Draft No. 87-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S WAGE AND BENEFITS ACCOUNTS TO FUND THE APPRENTICE TREE LINEMAN/LABORER POSITION; AND, DECLARING AN EMERGENCY

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

YEAS: 4 NAYS: 2 (Papalas, Mientkiewicz)

This Draft No. 87-16 has received a second reading.

President Marino: I believe we have to amend the Agenda with regard to the next Draft. Is there a motion to present Amended Draft No. 91-16 on the Agenda?

It was moved by Steffy, seconded by Marchese to amend the Agenda to reflect that.
Motion carried.

AMENDED RESOLUTION NO. _____ (Draft No. 91-16)

A RESOLUTION APPROVING THE FOURTH REVISED FINANCIAL PLAN REQUIRED BY OHIO REVISED CODE SECTION 118.06 FOR SUBMISSION TO THE

FINANCIAL PLANNING & SUPERVISION COMMISSION FOR THE CITY OF NILES; AND, DECLARING AN EMERGENCY

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

Mr. Steffey: I would like to expand on this. This is an amended plan from the Mayor, his Fiscal Recovery Plan, the change is the minimum manning is out and there is still the provision for co-pays for the employees for health insurance. That is the amendment on this ordinance.

President Marino: Any other comments? Call the roll, please.

YEAS: 6 NAYS: 0

This Draft No. 91-16 has received a second reading.

ORDINANCE NO. _____(Draft No. 92-16)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT AMENDMENT WITH MWH AMERICAS, INC. FOR DESIGN OF IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT PLANT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

Mr. Steffey: I would just add that these design improvements are all part of the loan for building the new sewer plant and they were expected so it's not going to cost us anymore. It's all in the contract.

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

YEAS: 6 NAYS: 0

This Draft No. 92-16 has been adopted on the 17th day of August 2016.

RESOLUTION NO. _____(Draft No. 99-16)

A RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE GYPSY LANE STORMWATER IMPROVEMENTS PROJECT, TO BE FUNDED THROUGH THE PY 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

**CRITICAL INFRASTRUCTURE PROGRAM, AND THE CITY OF NILES
REVOLVING LOAN FUND; AND DECLARING IT AN EMERGENCY**

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

YEAS: 6 NAYS: 0

President Marino: Let the record reflect that \$26,000.00 revolving loan fund is committed to this project. Call the roll for suspension, please.

Rules are suspended.

It was moved by Papalas seconded by Lastic to adopt this Draft No. 99-16.

YEAS: 6 NAYS: 0

This Draft No. 99-16 has been adopted on the 17th day of August 2016.

RESOLUTION NO. _____(Draft No. 100-16)

**A RESOLUTION BY THE COUNCIL OF NILES, OHIO IN SUPPORT
OF RENAMING BRIDGE NO. 5 IN NILES, OHIO, LOCATED ON EAST PARK
AVENUE, TO BE RENAMED "THE KOREAN WAR VETERANS
BRIDGE**

It was moved by Papalas, seconded by Marchese to adopt this Draft No 100-16.

YEAS: 6 NAYS: 0

This Draft No. 100-16 has been adopted on the 17th day of August 2016.

RESOLUTION _____(Draft No. 101-16)

**A RESOLUTION PROVIDING FOR THE DESIGNATION OF PUBLIC
DEPOSITORIES FOR CITY FUNDS; AND DECLARING AN EMERGENCY**

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

Mr. Steffey: This ordinance will give our Treasurer the opportunity to shop around for banks in the area to try to get lower interest possibly. She is trying to eliminate what we are currently paying and I appreciate your efforts in trying to help the city. Thank you, Janet.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 101-16.

YEAS: 6 NAYS: 0

This Draft No. 101-16 has been adopted on the 17th day of August 2016.

RESOLUTION NO. ____ (Draft No. 102-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO VARIOUS ACCOUNTS IN THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY

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

Mr. Steffey: This is basically just housekeeping, education, equipment purchases, transformers, vehicle maintenance for the light department. The city has been reimbursed for some of the transformers that were purchased for new businesses coming into the city and we had to react to the need. Thank you.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 102-16.

YEAS: 6 NAYS: 0

This Draft No. 102-16 has been adopted on the 17th day of August 2016.

President Marino: Jim, I would also like to compliment you on the way in which you handled explaining this to Council and communicating it to all of us. Excellent. We need to continue doing things in that fashion regarding the members of Council. Thank you.

Mr. Newbrough: Thank you, Mr. President.

ORDINANCE NO. ____ (Draft No. 103-16)

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR REQUESTS FOR PROPOSALS FOR THE LEASE-PURCHASE OF THREE HEAVY DUTY TRUCKS WITH SNOW AND ICE REMOVAL EQUIPMENT FOR THE STREET DEPARTMENT; AND, DECLARING AN EMERGENCY

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

Ms. Marchese: Upon being called down to the street department and looking at all the trucks, I was actually really surprised at all the miles on them and the wear and tear and seeing how they were and that nothing had been updated in the city. If we don't get these trucks put in, they will not be on our roads this year because the trucks are really in bad shape. So that is why I agreed to go ahead with this. We need to get them back on the road and get them replaced so we have clear roads. We don't know what the winter is going to bring.

President Marino: I would like to add that I'm one of the cogs in the wheel regarding advertising for bids. I believe in advertising for bids, I'm well aware of state purchasing, but I think it is a far better business practice when we're talking about hundreds of thousands of dollars that we advertise for bids, open sealed bids, and ensure that your money is being spent number one legally and number two, we are getting the best bang for our buck, so I'm a strong advocate for that and I believe I speak for all these folks that they, too, are strong advocates for advertising for bids. As a failsafe, we have state term purchasing. Yes, we do, but I think it is much cleaner and much more transparent to advertise and I feel strongly about that. Very strongly. I think that needs to be in the record the value of that and this is where it's coming from regarding advertising for bids.

Mr. Steffey: I would also like to just like introduce Joe Cicero, our city mechanic, is here and I take his word very highly. He's very well respected throughout the city and he takes care of over 100 vehicles from every department within the city and we have his information that these trucks were not salvageable; the ones that we have had for years. So as part of it, these new trucks, as part of the lease program, may lift the burden a little bit on Mr. Cicero because there will be maintenance packages that come with these purchases that will alleviate some of the pressures on the mechanic. So hats off to you, Mr. Cicero.

President Marino: Call the roll for suspension, please.

YEAS: 6 NAYS: 0

The rules are not suspended.

It was moved by Marchese, seconded by McNaughton to adopt this Draft No. 103-16.

YEAS: 6 NAYS: 0

This Draft No. 103-16 has been adopted on the 17th day of August 2016.

ORDINANCE NO. ____ (Draft No. 104-16)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF A VOIP TELEPHONE SYSTEM FOR THE VARIOUS DEPARTMENTS OF THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Mientkiewicz, seconded by Marchese to give this Draft a first reading.

Mr. Mientkiewicz: Just a quick comment. This has been planned out since this past winter. It went to bid two separate times, not once, but twice. A meeting was held recently and money was certified by the Auditor that the general fund can sustain its portion dedicated to this phone system and again, it's basically we can budget for \$50,000.00 and not pass it or we can pass it and budget for \$4,000.00. Bottom line. It's a cost-saving measure and that's the reason that this was being introduced to Council tonight.

President Marino: I think it's also worth noting that these seven folks and these folks over here responsible for running a \$70,000,000.00 company and things have been allowed to get into such disrepair that these folks and this administration are working diligently to correct this. We can agree to disagree on purchases and we can agree to disagree, but not be disagreeable because the city needs to move forward. The steps this this Council and this administration are taking are trying to address those things. Some of the processes we don't agree with and we share that with the administration, but we need to start moving forward and we need to start addressing the city. I phone system can be moved to other places. We have a voice system that you can move it so it's not like it's a permanent like the old landlines that you have to plug in here and there, so I want to compliment Mike and his leadership and Steven relative to getting this moved along. I think the folks need to know that we need to start doing things. I think that's worth noting. Call the roll for a first reading, please.

YEAS: 6 NAYS: 0

This Draft No. 104-16 has received a first reading.

President Marino: We need a motion to add Draft 105-16 to this evening's Agenda.

It was moved by McNaughton, seconded by Mientkiewicz to add Draft No. 105-16 to the Agenda.

YEAS: 5 NAYS: 0 ABSTAIN: 1 (Papalas)

President Marino: Would the Clerk please present Draft 105-16 by caption.

ORDINANCE NO. ____ (Draft No. 105-16)

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH THE TRUMBULL COUNTY
ENGINEER AND THE TRUMBULL COUNTY COMMISSIONERS FOR ASSISTANCE
IN WATERLINE MAINTENANCE AND GENERAL ENGINEERING ASSISTANCE;
AND, DECLARING AN EMERGENCY**

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

YEAS: 5 NAYS: 0 ABSTAIN: 1 (Papalas)

This Draft No. 105-16 has received a first reading.

President Marino: I would also like to thank the Engineer's Office and Engineer Smith who has really come to our assistance trying to help us with the series of issues we are having across town and I'm very appreciative of his olive branch to help us and I'm also appreciative that this is moving forward as quickly as it is relative to getting shared service agreements in place. With at said, Mr. DePasquale, did we get any communication from Mr. Smith about meeting?

Mr. DePasquale: Yes. Monday we have a meeting.

President Marino: Great. The purpose of that meeting is to ensure that we're going after grant monies that are out there, so the Engineer's Office is helping us with that. Andy, did we get that piece of equipment?

Mr. Catanzarite: Yes, we did.

President Marino: And is it installed?

Mr. Catanzarite: Yes, it is.

President Marino: Fabulous. Thank you, very much. Compliments to the team to get that in place. Is it up on Carnegie?

Mr. Catanzarite: Yes, it is.

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

MISCELLANEOUS REMARKS

Mayor Scarnecchia: Everything isn't bad news. This afternoon I received a call from Congressman Tim Ryan. Thanks to our Lieutenant John Stevens of the Fire Department, we have received a Safer Grant that is for \$1,000,000.00 and it can only be used for hiring employees and it does not cost the city anything, so congratulations.

President Marino: John, you're two for two. You're setting a high bar. You and your team at the Fire Department, thank you for all you're doing, Chief, and the leadership in bringing money back home from the federal government. It is greatly appreciated.

Mr. DePasquale: If there are any questions on the building and what's going on, I'll answer them for you.

Mr. McNaughton: You said during the walkthrough yesterday that it was salvageable, can you expand upon that?

Mr. DePasquale: Mr. Lewis is an environmental expert in the area. I kept him there all night last night and we sectioned off and isolated the areas that are mold. Today he brought a crew in the scrubbed most of the building down. By Friday, anything that was affected will be scrubbed down and disinfected. We put in 3 air scrubbers in the building. Those are running continuously. The next thing we have to address is obviously before we can get to those mold areas we have to stop the problem at the source. That is infiltration from the roof into the building so we need a roof, which we have known we need for years on that building. Now it's come to the point where it's a health operation and we have to deal with that. I will be coming to you with that. I had several roofers come in today. Everybody's aware of it. It's going to be a substantial amount of money to do that, but until that roof is in place, those areas cannot be scrubbed down and cleaned from mold because that is the source. Once the roof is in place, I do have some people that are telling me that they can do this ASAP. So we'll address that and when that is done, Lewis will come back in and the mold problem will be resolved. We moved some of our employees to the Wellness Center today, the tax office in particular, payroll are moved and we are going to move -- we have a pregnant girl in the building in billing and we are going to move her out there and a couple secretaries who feel that maybe they have respiratory problems so we will address that. Today went very well with Lewis and the whole staff in the building. Once we got organized everything went well. We hope to resolve this as soon as possible and bring our people back to the building.

Mr. McNaughton: Mike, have we updated this on the website to let people know what offices have moved?

Mr. Dibble: I have been working constantly just getting people moved. I haven't had time to get anything up on the website.

Mr. McNaughton: I just want to make sure folks know where to go. I know you're swamped.

Ms. Marchese: Do you have phones in the building?

Mr. Dibble: I have phones that I borrowed. We're trying to (inaudible) the best we can. I'm sorry that this whole system is not as capable as being able to forward a call into the system that's down there. You have separate systems throughout the entire system.

Mr. McNaughton: The tax department and billing are there as well?

Mr. DePasquale: (inaudible) business as usual. We have an employee that is handling payroll that feels she has respiratory problems, we moved her and we're moving a pregnant young lady there tomorrow and another secretary, so roughly six to eight people will be there. The rest of the staff feels they want to stay in the building and this is a temporary move. We're not moving furniture. We're not doing anything like that. We're going to be as needed every day. Whatever we need to send for, we'll try to make this as smooth as possible.

Ms. Marchese: Jim, what about the Mayor's office?

Mr. DePasquale: The Mayor's office has been contained. It has been sealed off.

Ms. Marchese: Are you staying there, Mr. Mayor?

Mayor Scarnecchia: I don't even know where I'm at right now.

President Marino: The Mayor's office is closed. Tom is working out of the light department superintendent's office. Did we secure the services of Mr. Sekanick?

Mr. DePasquale: Well, we can't. I have a number here if you would like me to present that number. This is for structural repairs.

President Marino: We're on the same page then?

Mr. DePasquale: Yes. This is not the mold. This is not the roofing. This is structural repairs.

President Marino: The building on the outside is literally falling off.

Mr. McNaughton: This the long term that we're talking about?

President Marino: Some of these fixes have to be immediate with not only the roof, but the exterior of the building.

Mr. DePasquale: There's some plaster, there's some brick, there are structural repairs that have to be done. He can start immediately. He feels it's about a four or five week process once he gets started.

President Marino: My suggestion would be that we refer that to Terry for his review under the laws due to urgent necessity and we get his report and recommendation and we consider holding special council meetings maybe at the earliest on Monday to begin addressing this and providing the administration within the confines of the law what we can do relative to finances and our Law Director's report and recommendations. I'm probably going to be asking, through the Mayor because I can't call a special meeting, he will, to we hold a special council meeting on Monday – I was going to wait until the end, but time presents itself so, what time on Monday? Ryan, I know you like 6:00.

Mr. McNaughton: I'll try.

Mr. Dull: I'll be out of town on Monday.

President Marino: Ok. As long as you get the ordinances for us and get your report and recommendations on what we can do.

Mr. Dull: That's fine.

Mr. Lastic: I can't come on Monday.

President Marino: That's all right. We'll have a meeting and keep scheduling them. We need six to suspend the rules or five, so we'll just keep scheduling special council meetings because this cannot wait. That's the intent of the Chair through the Mayor's office so we'll need you to look at Lewis and Sekanick. Once we get those back, Terry will prepare the ordinances. I know that I've had conversations with the Fiscal Supervisors and I know Mr. Steffey has. Our Auditor will be back in town so we can ascertain how we are going to fund this because of the dire need of the facility. Get the information to him and we'll move forward.

Mr. DePasquale: Okay.

Mr. Mientkiewicz: Jim, is there a temporary fix over the roof? It's supposed to rain tomorrow.

Mr. DePasquale: No. There's not a temporary fix. It's too big to tarp. I talked to Lewis today and he just couldn't tarp it. It's just too big an area to tarp.

President Marino: Jim, why don't you share with them what they told us in the hallway? The architect and the –

Mr. DePasquale: About the roof?

President Marino: Yes.

Mr. DePasquale: They said it was probably the worst they have ever seen.

President Marino: Never seen anything like it.

Mr. DePasquale: It should have been addressed a long time ago.

Mr. Lastic: But they okayed the building?

Mr. DePasquale: The building is structurally sound according to them. That was the first question I asked them. We brought them in first and I asked if it was worth spending the money.

Mr. Lastic: All right.

Mr. DePasquale: They said it was structurally sound. He gave us the go ahead. To fix the building is going to be cheaper than to move or buy a building. It's going to be cheaper to do that.

Mr. Steffey: I wanted to let you know that we are going to probably need those three bids, but we're willing to meet at any time for special council meetings once you get the bids.

Mr. DePasquale: I will get with Terry, draw something up and we'll get it out.

Mr. Lastic: Could we move that meeting to 5:00? I could be there at 5:00.

President Marino: Ryan, can you make it in town at 5:00?

Mr. McNaughton: I'll make it work.

President Marino: We'll make the announcement at the end so that we're formally notifying everybody appropriately. Are you okay with 5:00 Linda?

Ms. Marchese: It's going to be close, but I'll do what I can.

Mr. Steffey: 5:30?

President Marino: Okay. 5:30 on Monday.

Acting Chief Holland: I want to clarify about a comment made about our part time clerk and clear up what the staffing level at the police department is and has been. We have always had a full time clerk and a part time clerk on and off since the 70's. We had a part time clerk named Judy whom worked in the 80's and 90's and retired in early 2000. Our full staffing before the layoffs was a full time clerk, a part time clerk, and a full time janitor. The part time clerk and janitor were laid off with the three police officers. Despite the passage of the police and fire tax, the police department staffing has not been fully restored as the janitor is still laid off. You can go down and look at the trash overflowing in the lobby. So having Sofia back working is part of restoring the police department to the same staffing levels as before the layoffs.

Ms. Marchese: Excuse me, Chief, didn't she get hired under Chief Hinton?

Acting Chief Holland: Yes.

Ms. Marchese: Okay, so that wasn't in the 70's. Because there were a lot of times we never really had one. Is that just for the Chief?

Acting Chief Holland: We had a full time clerk for the department on and off.

Ms. Marchese: Okay. I was under the impression even all the way back to Chief Ross there wasn't –

Acting Chief Holland: She's been a part time clerk for as long as I can remember and have been here.

Ms. Marchese: So she's just for the records department? It wasn't actually for the Chief of police?

Acting Chief Holland: Both. (inaudible)

Chief Danielson: I would like to congratulate John Stevens for writing the grant. He's been doing a fine job the last couple of years. The new fire truck was delivered in July. We have two guys starting to put equipment on it. (inaudible)

Mr. McNaughton: Chief, those fixes that need done, the company that built the truck, are they covering that?

Chief Danielson: That's on them.

Mr. McNaughton: Not on us. Thank you.

Mr. Steffey: I would also like to say that Mr. Stevens wrote the grant for that fire truck, so as Mr. Marino said two for two, the City really appreciates your hard work.

Mr. Newbrough: I would like to thank council for helping me and transferring the money so I can start (inaudible) Thank you very much.

Ms. Rizer Jones: I would like council for voting on the legislation tonight regarding the depositories and I would like to report that we will temporarily be located at the Wellness Center.

President Marino: Ms. Ford, how is everything going in the billing office, okay?

Ms. Ford: Okay. No problems.

Mr. Cantanzarite: The piece of equipment that we went to get from Trumbull County is an automatic flusher that you put on the hydrants on Carnegie Street. We got it hooked up and it has a timer on it. It will automatically flush that hydrant every morning from 3:00 in the morning for about 15 to 20 minutes. Right now we are going to do this for the whole week and we'll check the water again to see where we're at. If this works, then we'll be looking at a permanent one at the end of the line. It will look like an electric box that you sometime see on properties. We'll try to get a second one to put on Nebraska as soon as we can. Just to clarify something that was in the paper last night and I have already talked to Renee about it, those items came out in the paper stating \$45,000.00 apiece. They are four for \$5,000.00 apiece, not \$45,000.00.

Renee Fox: I'm sorry.

Mr. Cantanzarite: Just a quick correction that was in the Vindicator, there is no issue with phosphates in the water. There's a possibility of adding orthophosphate to the water. Phosphates are not causing the problem with the water. To add orthophosphate to the water would be an additional treatment to take care of the water system.

Mr. Steffey: I would like to mention that I did talk to the State Auditors today and the whole conversation was in regards to clean healthy clear drinking water. We explained to them that we're working cooperatively with the county; that they are going to let us use this temporary

machine and will see if that's going to be effective. Although it will slow the recovery of the water fund, they recognize that there is nothing more important than clean water and with their blessing, if we need to purchase three of these permanent flushers to take care of the three really problem areas, they signed off on that. I want you to understand that there is nothing more important than clean water. I want to thank you, Andy, for your hard work on that. I appreciate that and the county came right out and 14 hours later they were training Andy on how to operate the piece of equipment that they are letting us use to determine if it's going to be effective to fix the problem. So I just wanted to thank you.

President Marino: I can't say enough good words about Randy Smith and his olive branch to help us. It's really appreciated.

Mr. McNaughton: Mr. Stevens, I think you're a hero in more ways than one for the work you do every day working the city and securing the grant. You're a good man, you're a great worker and thank you for working so hard in addition to the duties you have to do and the rest of you guys. I can't say enough. Thank you for that. I also want to thank my colleagues and friends from the county for these water issues. As Chair of the Utilities Committee, I take nothing more seriously than trying to rectify and I cannot speak of the processes in the past. I have only been here since January 1 and I can only speak for what we are doing now and I hope the efforts we are making in conjunction with the administration, with Andy and now with the county is showing folks that we are doing what we need to do. We're doing our due diligence and again, I can't speak about how things were done in the past, I can only speak of how they are working now. We are doing are best and Andy, thank you and thanks to everybody else for trying to expedite the necessary remedy.

Ms. Marchese: I just want to thank John also and I hope someday we can get an ambulance. I've always wanted to see the fire department have an ambulance to be better than Howland. Thank you.

Mr. Mientkiewicz: John, kudos to you. Andy, I did have a chance to talk to a couple of the residents on Carnegie and your work has not gone overlooked my friend. Good job on that. Mike, also with a time like this all the craziness getting everything situated at the Wellness Center, I appreciate it.

President Marino: Before we adjourn, let the record reflect that the Niles City Council will hold a special council meeting on Monday, August 22nd in Council Chambers at 5:30 for Agenda items. Also, on Tuesday, August 23rd at 5:30 for Agenda items and if need be, we will continue right along with special meetings as warranted to address issues that might arise to become better informed. That will be ordered by Niles City Council.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council