

COUNCIL MEETING MINUTES

June 15, 2016

Niles City Council held its regular meeting on June 15, 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 Papalas, seconded by Steffey to accept the June 1, 2016 Public Hearing Minutes, Minutes from the June 1, 2016 regular council meeting and June 8, 2016 special council meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles City Auditor

Statement of Cash from Revenue and Expense 01/01/16 to 05/31/16

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

Motion carried.

FROM The Niles City Auditor

Check Report by Check Number 05/01/16 to 05/31/16

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

Mr. Mientkiewicz: I think these are all up to date and on the website for the public to view.

Motion carried.

FROM Geauga-Trumbull Solid Waste Management District

Letter indicating Intent to Designate Facilities

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

Motion carried.

FROM The Ohio Division of Liquor Control

A notice of legislative authority for LaLatina Market & Tacos, LLC, 815 Youngstown Warren Road, Niles, Ohio 44446

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Joseph Lewis, 1326 Difford Drive, Niles, Ohio. I have an issue with my water. I live on a dead end street and I have orange water running through my pipes. The superintendent came down about three weeks ago and it cleared up a little bit and then it came back. Flushing a fire hydrant four houses up is not going to take care of the issue. There is another solution. I own the property next to me, 1324. There's no house there anymore. The water line is still there. They can come down, dig up that water line and open it up and flush it. I believe what is happening is it is backing up in that pipe and it keeps scooping a little bit out and –

Mr. DePasquale: It always happens on a dead end line.

Joseph Lewis: I understand that. What I am asking is to have someone come down – I've been told they don't have the man power in the water department. To do this, dig up the line at 1324 and get it opened up and flush out the line the proper way. I can't continue to live like this.

Mr. DePasquale: You want me to break the water lines?

Joseph Lewis: Not break the water lines. Break something up. You have the water head under the ground (inaudible) you can dig that up, put a T or something on that (inaudible) flush the line out.

Mr. DePasquale: I can put a hydrant, but I need funding for –

Joseph Lewis: I can't live with the worst water in my home like this.

Mr. DePasquale: Do you still have orange water today?

Joseph Lewis: It was there yesterday. I was out of town for a few days.

Mr. DePasquale: They flushed it all day yesterday and when I was down there it was clear.

Joseph Lewis: It comes and goes. I can't keep emptying my hot water tank to get the orange water out of the hot water tank and something needs to be done. I know I'm on a dead end –

Mr. DePasquale: I don't mean to interrupt you, but are your neighbors having a problem?

Joseph Lewis: The neighbor across the street has orange water. I have another neighbor a couple doors up across the street that has orange water. I wrote it off when we had a break in the line about five houses up. I don't remember the address back in March, I believe it was, we had our water pressure drop with the break in the line. About a week later they fixed it and I wrote it off for that. This has been going on well before that. It needs to be taken care of. Something has to be done.

Mr. DePasquale: I agree with you and I have four or five places like this around Niles. The way to solve this is to loop those lines into existing lines to circulate and that is big money to do that.

Joseph Lewis: That's a long term fix.

Mr. DePasquale: Yes. That's a long term fix. Right now, we would have to see if it could be funded so I could put a hydrant in there and it would cost \$4,000.00 to \$5,000.00 to do that. I agree with you, but right now to go down and crack that line, I have no --

Joseph Lewis: I know.

Mr. DePasquale: I just can't open that line.

Mr. Lastic: Why can't you move the hydrant?

Joseph Lewis: No, it's not on my property at all.

Mr. DePasquale: You put a hydrant at the end of the line, tap it in and that would solve the problem. So a hydrant right now would work. The long term needs to be looped in and there are four or five streets where this needs to be done. You're looking at anywhere from \$50,000.00 to \$80,000.00 to loop those lines from street to street. That's a big project. Right now the hydrant is a small cost and it can be done.

President Marino: My inclination, Joe, is that Mr. McNaughton of the Utilities Committee and Mr. Steffey of the Finance Committee can meet with the City Auditor relative to the Water Department. I believe, if what I am hearing is correct, is that the Water Department fund balances are returning to where they should be positive, hopefully next year. Between those two and Mr. Catanzarite and Mr. DePasquale maybe they can come up with a solution to the problem areas and put a plan together to start addressing it, but Mr. DePasquale is 100% correct in that our issue is with the revenue. So working with the Auditor, the Finance Facilities Chair, the Superintendent and Service Director try to work with in order to come up with funding to help you. Mr. DePasquale, what are streets?

Mr. DePasquale: Carnegie, Nebraska, Fairlawn. There are four or five places around town where we have dead end lines.

Joseph Lewis: I can't continue to live like this.

Mr. DePasquale: I agree with you. You shouldn't have to live like that. I agree with you.

President Marino: Hopefully, they can meet because this is a public health concern.

Joseph Lewis: Yes, it is.

Mr. McNaughton: We're due for a Utilities Committee meeting.

Joseph Lewis: I feel this should be a top priority. Will I hear from somebody?

Mr. DePasquale: Yes, I will do this as soon as possible. What I would recommend with the Water Department being shorthanded and I don't think our guys would have a problem if we sub this out immediately. If you want to finance it, I can get somebody over there in a couple days probably.

Mr. McNaughton: Can you throw something together money-wise?

Mr. DePasquale. The cost for the hydrant would be roughly \$3,000.00. Installation would be another \$2,500.00. It would probably go up instead of down, but that would solve his problem immediately.

Mr. Pezzano: Mr. Lewis, are you staying for the duration of the meeting?

Joseph Lewis: Probably not.

Mr. Pezzano: I'll come down and see you on Friday.

Joseph Lewis: I won't be home until later.

Mr. DePasquale: Have you been home, sir? Have you checked the water because I know --

Mr. McNaughton: Can I give you my card. I'm the Utilities Committee Chair (inaudible).

Joseph Lewis: One other thing; can I get somebody down there to cut the grass?

Mr. DePasquale: We were there the other day.

Joseph Lewis: They only ran half of it.

Mr. DePasquale: We got a flat tire with the brush hog. That was number one and part of the problem.

Mayor Scarnecchia: On the subject of grass, Trumbull County Board of Health has requested that council, if anybody calls you on high grass, please call my office. Don't call the Trumbull County office. Our office will give the information to them the information on high grass.

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

George Kuriatnyk: 1206 Mason Street, Niles. I don't know if I heard it right about the budget, but are you going to give money to the parks to keep them open for the rest of the year?

President Marino: I believe Council's intent is to fund these positions in the park for the remainder of the year.

George Kuriatnyk: Is that through December or --

President Marino: I believe, George, but don't hold me to this, but I believe there's a time certain that they can transfer –

George Kuriatnyk: Is that what's going to happen?

President Marino: Mr. DePasquale, they took a transfer –

Mr. DePasquale: In October that will happen.

President Marino: So they'll get transferred into other departments.

George Kuriatnyk: So that's coming from the tax money that they just came up with?

President Marino: The increased revenue that the new Treasurer certified, yes.

George Kuriatnyk: (inaudible) a month early?

President Marino: I believe that the administration and the Finance Committee will work to see where we are at financially and if they feel that there's no work, I would expect that to occur. If the grass is dormant because we're in the middle of a heat wave, it could happen then. I would expect that the Mayor –

George Kuriatnyk: Does that money stay with the park and can't go anywhere else?

President Marino: If it's not spent at the end of the year it all basically goes back into the unencumbered general fund balance.

George Kuriatnyk: (inaudible) water.

President Marino: It's a different fund. Thank you, George. Would anyone else like to address Niles City Council?

Paul Davis, 44 Hartzell Avenue, Niles, Ohio. I guess this would be for Andy. The City of Niles has 30 sites on a regular basis for lead. The last testing period was 2014. That doesn't sound like regular testing.

Mr. Catanzarite: No, this is set up by the EPA. We have nothing to do with that.

Paul Davis: I just wanted to know what regular meant.

Mr. Catanzarite: I would not be shocked if the regulations become an every year event, but we are doing it according to the EPA regulations.

Paul Davis: Ok. The other thing, I heard Mr. Merlo mentioned that we're paying Trumbull Transit Community or whatever they're called now \$10,500.00. That means that the City of Niles has 21,000 people.

President Marino: I don't know what the calculation is.

Paul Davis: The calculation is .50 per citizen.

President Marino: Ok.

Paul Davis: A little high, wouldn't you say?

President Marino: Based on my understanding of what our population is, it should be dropping down to below 20.

Paul Davis: There should be an investigator to find out if we are paying too much. Does anybody on council know anything about Community Bus Trumbull Transit; the service or disservice that they provide us? I've had experience with this. The solution would be to contact Carl Clemons, who is an advocate, or Mark Hess who is now on the board. I understand things have improved, but some of the things that I was asked when I was with Trumbull Transit was why can't I get a ride to Giant Eagle and another lady can get four rides a week anywhere she wants to go. One of our residents. We did cut out grocery shopping for a long period of time and I don't know if that's still the case. People are being refused medical trips from the City of Niles to the centers to get their dialysis or whatever they have to do. I won't name names, but they are a Niles citizen so I think you ought to take a close look at how they are spending our money.

Mr. Papalas: I'll be seeing Mark Hess and I'll talk to him.

Paul Davis: And the other thing is we had a vote for Janet the other day. Very disappointed 10 out of 15 voting. That means five get a secret vote were ashamed to go and vote or tied up for some reason. I think the Democrat party is to blame for that in that a secret vote is no good. Now, when I go to vote for my committee person next time I don't know which way my committee person voted. Maybe he voted for Janet and I didn't want him to or maybe he didn't go and vote at all. Thank you.

President Marino: I believe the vote was validated and the ballots had our names on the back because I voted for Janet. Everybody knew I was voting for her because I have no problem.

Mr. Papalas: I think someone should go and ask the chairman to look at those ballots because our names are on them and you can see who voted for and who voted against.

Paul Davis: So Polivka can tell?

Mr. Papalas: I believe so.

President Marino: They told us that they would retain those ballots. I don't know for how long, Paul, but you might want to track him down. Our names are on the back of those ballots.

Paul Davis: Ok.

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

Al Cantola, 208 Vienna Avenue, Niles. First off, the two big issues, I appreciate what the Mayor has done in getting the fire and police and getting them back into their jobs and what they need to be. Pre-meeting council, I think, agrees with it and I'd like to commend them on their diligence on looking at the entire big picture of what tax applies to the City. I think we're definitely on both parts doing what it is going to take to get the City back together safely; yet, we want to bring the others back and we need to look at \$50,000.00 because it's a whole lot better than \$15,000.00. The only real question or comment that I have today is last meeting, two weeks ago it was brought up that insurance savings or rebates back to the insurance company, I had made a comment to the City looking into what potentially happened in the past and then seeing if that money is still there and what we needed to do to look into that money. It sure would make it a lot easier if we had someone looking back into that and maybe bring back those others and get them their jobs back, so I guess my question to day have we, with Council with administration, are we going to pursue that rebate from past insurance so that we can help our general fund?

Mayor Scarnecchia: I have stated my opinion on that. What we do know is that there is an investigation that is going on and I am sure that they are looking at what happened if any monies could be paid back. We cannot go into that investigation because it is the federal and state people. Hopefully, soon they will give us the results and if they don't, we'll contact the Law Director and we'll get an attorney to look into that, but right now we can't do anything on that because of the federal investigation.

Al Cantola: All right. Just so we know up front when it's done and all is said and done, it has to be looked at and I'll be here to ask that same question again.

Mayor Scarnecchia: Hopefully I can give you a different answer.

Al Cantola: Thank you.

President Marino: Your name and address for the record?

Danette Gibson, 5150 Youngstown Warren Road. I have to tell you I have had a business in Niles for two and a half years called Treasurer's Flea Market. I am basically here asking for help with our electric bill which is \$3,300.00 per month for a business that is only open 12 days a month. There are minimal lights, minimal air, minimal everything. I was pushed to the limit by the past administration in order to open that building I was told to pay \$1,200.00 a week to the firemen, cash only no receipts. Every week.

Mr. Papalas: What was that?

Danette Gibson: I was told to work in Niles that in order for me to open I had to have a fire (inaudible) monitor. It wasn't 24 hours like the normal fire (inaudible). It was only when we

were open. I had to give them \$1,200.00 every week in cash. No receipts. No checks. (inaudible) I'm tired. For two and a half years. (inaudible) \$25.00 a week to the old Mayor, former Mayor, \$25.00 a week cash only. Then they made me do something at the building that didn't really need done, I was forced to use their contractor only and they told me I had to use it. When I finally had a contractor, he said I can't get the permit, the permit is for Carbone Plumbing which was \$7,000.00 higher than it should have been for the normal every day (inaudible). I have also been required to pay the fees and fines for the contractor even though I'm not the owner, I'm a renter there. I had to pay it. It's been a nightmare. I have five kids that I'm raising and I'm trying to instill in them that you have to work hard and do the right thing. Unfortunately, my kids are learning the opposite because of what I've been put through. All my asking for is help with my electric so I can stay open. \$3,300.00 per month for 12 days a month is ridiculous. I go into the City building every single Monday making a payment on that bill because I can't pay it all at once. We cannot survive with \$3,300.00 so we're there every Monday making payments and by the end of the month, that's paid and then we start the next month. It is just crazy to have a \$3,300.00 bill just in electric. We also do non-profit out of there. We don't advertise it, but we give out free for Thanksgiving, we do (inaudible) for Christmas. When people have fires, we give for households. We're doing a lot of good for the community there, but when I was going to open this place (inaudible) the previous Mayor told me I will never let you open. I don't want those kinds of people in my area. That is exactly what he said and I have witnesses here and I have more witnesses. It's been heartbreaking because this was a dream that's been destroyed and I'm trying to keep going.

Mr. Pezzano: I have for a fact that Mr. Newbrough went to your store a few times to check on the electric. As for the past administration, I don't know what happened there. I know Mr. Vigorito has been in your place for zoning issues. You're making accusations to the public about fees that were for your own safety. Mr. Newbrough has been into your facility a few times to check out the electric and the meters and so he's not here tonight to speak on his behalf so –

Danette Gibson: We have a demand meter so (inaudible) no matter what. I've asked for just \$500.00 help a month that was declined. I've asked to put on half the demand so I don't have to pay \$3,300.00 per month for 12 days a month and I'm not getting anywhere. So we're at the end of our thing here with all that we've been through. And it's not that I'm making accusations without witnesses and documentation because I have that. Some of the firemen will agree, they'll say, yes we did collect cash money when we were there. And the normal fire (inaudible) and I contacted Warren Fire Department and a normal fire (inaudible) is around the clock, not just while you're open. They were only there during our operating hours. It was \$200.00 for each fireman a day cash only no receipts. That's how it worked and I did that (inaudible) those were the stipulations made by the former Mayor. I just kept my mouth shut because I lived in fear of people from the government because every time I would go to him with a question he would say, do you want to stay open or not?

President Marino: Well, what we want to get to is the electric bill.

Mayor Scarnecchia: I will revisit that again now that you have publicly stated. Maybe a temporary reduction.

President Marino: We also have ordinances and we have business rates and commercial rates and there's a whole host of things that the Mayor will look at relative to what he is legally permitted to do regarding the ordinances that this body has passed. So make an appointment and go see the Mayor.

Mayor Scarnecchia: And also, Danette, if you don't mind, I asked the police chief and he is going to get ahold of (inaudible) as to the procedures in the past.

Danette Gibson: Absolutely. I have documentation.

Ms. Marchese: Mayor is that for the whole building? Is that the old Kings Department Store?

Mayor Scarnecchia: Yes.

Ms. Marchese: Is that what you have, the whole building?

Danette Gibson: We have part of it. The other side is closed off. There's 10,000 square feet that is closed off.

Mr. Pezzano: There's the Dollar Store and the Thrift Store is in the middle.

Danette Gibson: Yes.

Mr. Pezzano: I know before there was a problem with the fire box outside. I know I spoke with Inspector Bickerstaff at the time and there was a question about the middle store because I think he was saying you had to pay for the box and the middle store had to be in compliance with everybody.

Danette Gibson: Well, he seems to think (inaudible)

Mr. Pezzano: Thank you.

President Marino: Would 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

None

ORDINANCES AND RESOLUTIONS

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

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

Mr. Pezzano: Mr. President, I would like to go for a third reading.

It was moved by Pezzano, seconded by Papalas to give this ordinance a third reading.

YEAS: 7 NAYS: 0

This Draft No. 24-16 has received a third reading

It was moved by Pezzano, seconded by Lastic to adopt this Draft No. 24-16.

YEAS: 7 NAYS: 0

Draft No. 24-16 has been adopted this 15th 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. Papalas: Do we feel comfortable with a second reading or do you want to table this for a little more clarification? I'd like to table this if it's all right with the rest of Council until we can work this out a little more; what the fees would be, the type of testing and what we are going to name the test and who is going to give that test. That's my motion.

It was moved by Papalas, seconded by Lastic to table Draft No. 55-16.
Motion carried.

President Marino: Mayor, can we expect a report from you regarding that by August council meeting?

Mayor Scarnecchia: Ok.

President Marino: Thank you. We'll give you a month to get that ready. That should be sufficient time to get the Civil Service Commission information. If we don't have deadlines, we'll never get it done.

Mr. Papalas: I think that's fair. This isn't something that should be too difficult to complete by then.

ORDINANCE NO. ____ (Draft No. 67-16)

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

It was moved by Pezzano, seconded by Marchese to give this Draft a second reading.

Mr. Mientkiewicz: Just for record, I voted no against this two weeks ago. I'm going to again today because I feel that it is a sketchy topic. I believe the City should remain neutral in not advocating for or against an individual's right to conceal and carry or not.

President Marino: Call the roll for a second reading please.

YEAS: 6 NAYS: 1 (Mientkiewicz)

This Draft No. 67-16 has received a second reading.

RESOLUTION NO. ____ (Draft No. 69-16)

A RESOLUTION AUTHORIZING A CASH TRANSFER FROM THE GENERAL FUND TRANSFER ACCOUNT TO THE PARA TRANSIT FUND NO. 504; AND, DECLARING AN EMERGENCY

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

Mr. Steffey: This is just an ordinance for our annual bus fee to the county. We are paying for 2015 at this time. Next year we'll pay for 2016.

President Marino: The only thing that I would ask is that we follow up on the mechanism used and the calculations used to arrive at our funding. Barry, would you check to make sure what Mr. Davis raised regarding our population? Make sure that is correct?

Mr. Papalas: I'll be with Mark Hess next week all day, so I'll talk to him about it.

Mr. Steffey: As Mr. Davis said, it is .50 per resident for our annual fee so right now we are paying \$10,500.00 which would extrapolate to 21,000 when our (inaudible) so they could be mistaken.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by McNaughton to adopt this Draft No. 69-16.

YEAS: 7 NAYS: 0

This Draft No. 69-16 has been adopted on the 15th day of June 2016.

RESOLUTION NO. ____ (Draft No. 70-16)

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 70-16.

Mr. Papalas: This is a routine ordinance and you'll see others like it a few more times during the course of the year.

YEAS: 7 NAYS: 0

This Draft No. 70-16 has been adopted on the 15th day of June 2016.

RESOLUTION NO. ____ (Draft No. 71-16)

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEVELOPMENT SERVICES AGENCY AND ADOPTING A PROPOSED BUDGET FOR THE PY 2016 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, INCLUDING THE CDBG ALLOCATION PROGRAM AND CDBG NEIGHBORHOOD REVITALIZATION GRANT (NRG) PROGRAM, AND ALLOTING THE FUNDS FOR THE PROGRAM YEAR 2016 COMMUNITY

DEVELOPMENT ALLOCATION PROGRAM; AND DECLARING IT AN EMERGENCY.

Ms. Marchese: I have a meeting for our Third Ward and what that pertains to from the Community Development is a grant. We're working on grants to help with sidewalks, streets, curbing and I was hoping to get some sewers in there and try to get some problems fixed up that we need. So the reason we have to bring this through and get it back to the State because Friday is our deadline and that's why we had him write it up now. So Thursday will be our last meeting at the church at 5:30.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 71-16.

YEAS: 7 NAYS: 0

Draft No. 71-16 has been adopted this 15th day of June 2016.

RESOLUTION NO. ____ (Draft No. 72-16)

A RESOLUTION ADJUSTING APPROPRIATIONS PROVIDED FOR IN THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 IN VARIOUS ACCOUNTS; AND, DECLARING AN EMERGENCY

Mr. Steffey: I would like to move to make an amendment to this Draft. We are going to exclude the Safety Service Complex and fund the return of our fire and police and also fund the building and zoning. At this time, we're going to amend this Draft.

Mr. DePasquale: I know this was mentioned a minute ago, but I wanted to check on this. The building and zoning is a part time position. In order for him to be back, all full time employees have to be called back according to the union contract.

Ms. Marchese: The other one's a part time employee and one's a full time employee, correct? Which one is which?

Mr. DePasquale: The custodian is a full time employee. If we were to hire a part time employee, all union full time employees must be called back. I would have mentioned this before, but I wanted to check on it first. So he would have to be back before the building and zoning. They can all come back together or that position would have to wait until the full time comes back.

Mr. Mientkiewicz: Explain that again.

Mr. DePasquale: You cannot hire part time employees that are non-union if there is a union employee laid off.

Mayor Scarnecchia: But we're not hiring a --

Mr. DePasquale: Bringing back. Same thing. You have a laid off custodian in this building. You're bringing back a part timer who's not union. That union person has to be back to work before any part timers can be called back.

Mr. Papalas: I think we should stay the course. Do what we decided a little earlier. Otherwise you might as well just turn everything over to the union and let them run the City. How do you want to do it?

Mr. Steffey: Move forward.

Mr. McNaughton: I would hope the union wouldn't hold this up. Move forward.

Mr. Steffey: These are good times. Police and fire are coming back, but we have to get our spending -- I appreciate what you have said, but that means we are not going to fund the position of custodian.

President Marino: What is happening here is the position will be funded. It's up to you, the Mayor, to determine who comes back. Council is giving you the money to do it. I agree with Barry and Mr. McNaughton. We would like to think that rational folks would be able to sit in a room and look at what's best for the City at this particular moment in time based on we're going to have \$15,000.00 possibly left at the end of the year. Council is being prudent with the money. There needs to be give and take with Administration and our professional organizations.

Mr. DePasquale: I agree, but I've seen the contract.

President Marino: Well, I've seen the contract also. I'm an administrator.

Mr. DePasquale: That's the first thing the union will tell me.

President Marino: I get all that. Council said in July they will entertain --

Mr. DePasquale: I will have a talk with them.

President Marino: I appreciate that.

Mr. Papalas: I would ask that you work with us for one more month. That's all we're looking for.

Mr. DePasquale: I will bring that up.

Mr. Papalas: Ok. That's fair.

Ms. Marchese: And our building inspector will still come back?

Mr. DePasquale: I don't see that happening, but I will try and work that out.

Mr. McNaughton: Please help me understand and our residents (inaudible) These are tenuous times and I know I am still new and I'm learning all these nuances, all these contracts –

Mr. DePasquale: But the fact is he is not a union employee.

Mr. McNaughton: I understand that.

Ms. Marchese: But all they money could be coming in. We're hurting all over the City.

Mr. DePasquale: I couldn't agree with you more. I've been wanting this for months, to bring the inspector back. I'm just telling you the way it's going to go down.

Mr. Lastic: So if they say no, then we don't bring him back?

Mr. DePasquale: If they say no, he won't come back until the custodian is back and the clerk and part time employees would be next.

Mr. McNaughton: Jim, do you have any idea, I know you have been passionate about this, do you have any figures that you could share with them, if we bring back part time zoning person ASAP and you are told no, how much money will that cost this City the longer we wait? Even if it is a ball park number, can you bring that to the table when you talk?

Mr. DePasquale: I can get a ball park figure and I will bring it up.

Mr. McNaughton: That's all I'm asking.

Ms. Marchese: That office is going to bring money into the City.

Mr. DePasquale: The union is full aware of that and so am I. I have been asking for this for months for that very reason. I think it should be an enterprise fund, that's my opinion, because it creates a lot of money. I don't think it should be from general fund because it creates hundreds of thousands of dollars.

Ms. Marchese: We need it.

President Marino: Hold on. Let the Mayor speak.

Mayor Scarnecchia: Council, I would like to see that we bring him back and I'm willing to stand another grievance being filed by the union. We need this guy back so I –

Mr. Mientkiewicz: Mayor, we agree and I think we all agree and we have stated that in the past because it is a revenue generating department. The question is we have talked about this in the past, but this was never brought up.

Mr. DePasquale: What wasn't brought up?

Mr. Mientkiewicz: Other people needing to come back before –

Mr. DePasquale: Yes, this is union contract. We talked about this in the past.

Mr. Mientkiewicz: Well, this is the first time I have heard about it.

Mr. DePasquale: We talked about union employees being back to work, all full time union employees have to be back.

Mayor Scarnecchia: Bring him back.

President Marino: You're the Mayor. Council's pleasure?

It was moved by Steffey, seconded by Mientkiewicz to amend the Draft No. 72-16.
Motion carried.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by McNaughton to adopt this Draft No. 72-16.

YEAS: 7 NAYS: 0

Draft No. 72-16 has been adopted this 1st day of June 2016.

President Marino: To all our safety forces, we are thrilled that you are all coming back to work. That concludes tonight's legislation. The next order of business is Miscellaneous Remarks.

MISCELLANEOUS REMARKS

President Marino: I would like to thank the Mayor for his moving forward on soliciting input relative to the development of a Vehicle Use Policy and a Take Home Vehicle Use Policy. Mayor, I'm appreciative that you're sharing this and that we are moving this process along so things are starting to look up. Thank you very much for doing that.

Mayor Scarnecchia: First of all, if I had to thank everybody here for their participation in working to get these safety forces back, it would take an hour. Number one, I would like to thank the general public for their diligence and their work in passing that tax levy. I'm just so excited they are coming back. The building inspector, let me say, my point in life, what's another grievance? I also want to thank council. That's all.

Mr. DePasquale: I would like to address the HVAC system. We need to make a decision on what to do. Nobody bid the job. I have a couple contractors interested. What would you like me to do to get moving on it?

Mr. Steffey: I'm going to sponsor to allow you to enter into a contract at our next meeting.

Mr. DePasquale: Ok. Thank you.

President Marino: That's July 20th.

Mr. Mientkiewicz: Are we going to see some numbers before we enter into contract.

Mr. DePasquale: I have one set of numbers that you have. I'll try to get a couple more. Basically, nobody is interested, but I will try to get you a second or third set of numbers, but I have had six or seven companies walk away from it. They didn't even want to bid it because it's too big a job for them. There's only a couple businesses capable of doing this, so you're not going to get more than two or three numbers. If you have to understand, by talking to contractors, they are eight to ten weeks out and this has to be specially ordered so that puts us into August or September and there is about 30 to 60 days-worth of work which puts us well into fall.

President Marino: If worst comes to worst and this comes along, Council does retain the right to call a special meeting, so if you get what they need, Jim, they can call a special meeting.

Mr. DePasquale: At that meeting, I will have at least another number.

President Marino: What I'm saying is, if you get it sooner, they can call a special meeting if they want.

Mr. DePasquale: You have one set of numbers and I'll get you another.

Mr. Steffey: Ok, they would be great. Thank you, Mr. President.

Chief Danielson: I would like to thank everybody involved in passing the ordinance to bring our officers back. The truck is still scheduled to be here in two weeks. I just want to clarify, I'm not sure what deals you made here in town, but with the fire department we are here for your protection (inaudible) yours is not the only business this has happened to (inaudible).

Chief Holland: Officer are back to work and we thank you.

President Marino: Stand up Anthony.

Mr. Vigorito: Thank you for bringing back my part timer. My office is getting back logged. We've have thousands of dollars of permits sitting out there that we are losing on. There are a lot of jobs going on without permits and hopefully this will – we have two big jobs that are getting to begin and we'll probably get paid \$150,000.00 in permits just by those two jobs, so I'm sure it will generate enough to take care of my part timer.

Mr. McNaughton: First, Janet, I'm very glad you are here full time. The only other thing I wanted to say (inaudible) share with folks, I think coming down the pike is Council is going to start coming off the rope, stop back pedaling start rope and doping. It's time and I think tonight I'm very proud of this body for voting for what is right for this City. I'm glad to be a part of this moving forward slow and steady. Slow and steady wins the race and I'm very happy that we stood arm in arm tonight and I'm really happy to have the safety forces back. Thank you.

Mr. Steffey: I would just like to echo Mr. McNaughton. There are many times when we leave this meeting with our heads hung a little bit low. Today we stand a little taller. We're a little better and we are moving in the right direction. I would also like to invite everyone to the Harry Steven's Day which is going to be held on Sunday, July 3rd. This is an annual event in downtown Niles and we are going to be dedicating the alley behind Stoneyard and call it Harry Stevens Alley. We are going to unveil that. Fireworks is going to be on Monday, the 4th.

Ms. Marchese: Yes. Also, I would like to welcome everybody back. Hopefully, we will get everybody back to work. Also, I'm calling a Public Grounds meeting for the cemetery and the reason I'll be calling that I met with Mr. Mientkiewicz and also Mr. Pezzano, we'll be having that to discuss cell towers being put up in Niles, so we'll be calling that meeting.

Mr. Mientkiewicz: Welcome back safety forces. This is what we need in Niles especially the younger generation, people who have invested in the City, people who have chosen to stay and raise their family here and become the future of our town. It is very comforting to know that we are allowing them another opportunity to stay in our town, stay in our City and hopefully we get more and more people jumping back on the band wagon and spark an interest in Niles. It is very comforting like I said, so welcome back. Everyone has summed it up pretty well. I appreciate the effectiveness from my colleagues. I think we are being very prudent, very cautious in what we are doing and we are moving effectively. Things are starting to come together with our town. We're working well with the administration. I appreciate your toughness as far as the building and zoning issue goes and hopefully we can get everybody back.

Mr. Pezzano: I just want to thank Mr. DePasquale for the things he has taken care of for me in the past. Jeff Crowley, hats off to you. I have the pleasure last week of walking with one of my constituents in the Fourth Ward or whatever ward we are assigned and doing the inspections of the houses. You're doing a great job.

President Marino: Before we adjourn we need to discuss our summer schedule. Our summer schedule will be a meeting on July 20th and August 17th. There might be a special meeting. Mr. Steffey will serve as my designee for the Fiscal Commission meeting. I have to go to mandatory

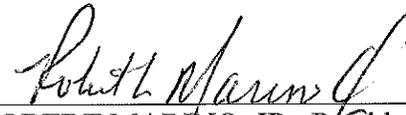
training in Columbus interesting enough on employee discipline and investigation for my job. Barry will serve in my stead on the commission at that meeting.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council