

MINUTES

Niles City Council held its regular meeting of September 2, 2009 at 6:00p.m. in Council Chambers Safety-Service Complex in Niles, Ohio.

The meeting was called to order by President Robert Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-A; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P
It was moved by Stredney, seconded by Wilkerson to excuse the absence of Councilman Scarnecchia. Motion carried.

A motion was made by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of August 26, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The Estimated VS Actual Revenues thru August 2009

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

FROM The City Income Tax Office

The Monthly Receipt Totals thru August 2009

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Maria Ciletti of 1472 Butterfield Circle, Niles spoke of some issues her brother Dr. Michael Ciletti had with the city's health insurance carrier. President Marino told Ms. Ciletti that Mayor Infante, Mr. Buccino Mr. Nader and Linda Yuhasz would meet with her to discuss the issues she had with the insurance company. Councilman Papalas stated that he would like to be at the meeting also. He wanted the meeting to take place on September 9, 2009 but the mayor couldn't schedule the meeting because he was involved in negotiations with the city's unions. Mayor Infante said that he will have a meeting and will make sure that everyone can attend. Councilman Papalas said that on his schedule, Wednesday and Fridays at 3:00 p.m. are good times for him.

COMMITTEE REPORTS

Councilman McCormick updated council on the Utility Committee. Mr. Tom Holloway of the MVSD is formulating a three year budget and the city may see a change in the water rates. He has asked permission to speak with Council concerning the rates.

Councilman Papalas scheduled a Finance Meeting on September 9, 2009 at 3:30p.m. in Conference Room 1 at City Hall.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. __ (Draft No. 39-09)

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND TO EXECUTE CONTRACTS IN CONNECTION WITH THE OHIO PUBLIC WORKS COMMISSION FOR A PROGRAM YEAR 2009 LTIP ROUND 2 OHIO PUBLIC WORKS COMMISSION PROGRAM, FUNDING THE TRU-SR 46 ROADWAY IMPROVEMENTS; AND DECLARING AN EMERGENCY

It was moved by Papalás, seconded by Stredney to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Wilkerson that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 30-09 has been adopted on the 2nd day of September, 2009.

ORDINANCE NO.____(Draft No.40-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE INDIANA AND NEBRASKA DRAINAGE IMPROVEMENTS PHASE 2 PROJECT; AND DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Papas to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McCormick, seconded by Stredney that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 40-09 has been adopted on the 2nd of September, 2009.

ORDINANCE NO.____ (Draft No. 41-09)

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS FOR INDIGENT LEGAL SERVICES; AND DECLARING AN EMERGENCY

It was moved by Papas, seconded by Wilkerson to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Wilkerson, seconded by Papalás that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 41-09 has been adopted on the 2nd day of September, 2009.

RESOLUTION NO.____ (Amended Draft No. 42-09)

A RESOLUTION RATIFYING THE TRANSFER OF FUNDS IN VARIOUS WAGE ACCOUNTS TO WORKERS COMPENSATION ACCOUNTS; AND DECLARING AN EMERGENCY

It was moved by Papas, seconded by Wilkerson to suspend the rule requiring three readings.

Councilman Papalas: Chuck, for the record could you explain this to us again?

Auditor Nader: What happened was I used the wrong rate in determining the amount of workers compensation to be paid this year. I underestimated it when I put it in the original budget. Because of that we were short in all the workers compensation accounts, the 5200's. We can not transfer from the 5100 account numbers into the 5200 without coming from council.

Councilman Papalas: will this affect us again next year?

Auditor Nader: No next year we will have the proper rates. This is a one time, just for this year to make up for the short coming that I caused by putting the wrong rate in.

Councilman Papalas: Does this tie in to our health insurance?

Auditor Nader: No.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Papas that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 42-09 has been adopted on the 2nd day of September, 2009.

RESOLUTION NO.____ (Draft No. 43-09)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE POLICE DEPARTMENTS EQUIPMENT PURCHASE ACCOUNT TO THE POLICE DEPARTMENTS TELEPHONE EXPENSE ACCOUNT; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Papas that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 43-09 has been adopted on the 2nd day of September, 2009.

RESOLUTION NO. __ (Draft No. 44-09)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT BETWEEN THE WESTERN RESERVE TRANSIT AUTHORITY, THE CITY OF NILES AND THE CITY OF SHARON, PENNSYLVANIA FOR THE DISTRIBUTION OF FEDERAL FISCAL YEAR 2009 FEDERAL TRANSIT ADMINISTRATION FUNDS FOR THE YOUNGSTOWN URBANIZED AREA; AND DECLARING AN EMERGENCY

It was moved by Papas, seconded by Stredney to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Wilkerson, seconded by Papas that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 44-09 has been adopted on the 2nd day of September, 2009.

ORDINANCE NO. __ (Draft No. 45-09)

AN ORDINANCE AMENDING THE STORM WATER MANAGEMENT ORDINANCE (CODIFIED ORDINANCE NO.923.08) BY ADDING REGULATIONS CONCERNING POST CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS TO COMPLY WITH THE TRUMBULL COUNTY STORM WATER MANAGEMENT PROGRAM, IN CONJUNCTION WITH OHIO EPA MANDATES; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McCormick, seconded by Stredney that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 45-09 has been adopted on the 2nd day of September, 2009.

MISCELLANEOUS REMARKS

Mayor Infante: We are waiting on ratification from the fire department on their contract and tomorrow should be the last day with the police. We are at fact finding tomorrow, and hopefully that works out and maybe by the next council meeting we have them both wrapped up.

It was moved by Councilman Stredney and seconded by Councilman Wilkerson to adjourn the meeting at 6:15p.m. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, Jr., President of Council