

MINUTES
OCTOBER 1, 2014

Niles City Council held its regular meeting on October 1, 2014 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, Giancola-P, McCormick-P, Stredney-P, Merlo-A, Pezzano, P, Marino-P

President Marino: Moved by Stredney, seconded by Merlo to accept the Minutes from September 17, 2014 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM the Niles Treasure, Income Tax Division
Monthly Receipt Totals through September 2014.

Mr. Papalas: How does the income tax look at this point?

Mr. Swauger: We're up \$289,000.00 from last year.

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

President Marino: Questions or comments?

Mr. Papalas: Bob, do you expect this to continue?

Mr. Swauger: Yes.

Mr. Papalas: Ok

Motion carried.

FROM The Ohio Division of Liquor Control
A permit transfer Dvino, LLC, 1201 Youngstown Warren Road, Niles to
Armand Nannicola

It was moved by Stredney, seconded by Lastic to refer this to the Safety Director for his recommendation.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Paul Davis, 44 Hartzell, Niles, Ohio. I recently received my electric bill and I know this is old news to you, but for comparison I got my gas bill about the 5th of September. My meter was read on the 4th of September to be paid on the 22nd. That would be what, 17 days I have to pay the bill? I have my past due light bill. Apparently, the meter had to be read around August 15th because that's the end of the billing. I received the bill on the 24th of August, which would be – I'm sorry, 24th of September, which would be 16 days after it was billed or printed; billing date, statement date 09/08. I received it on the 24th and it's due on the 29th. They gave me 5 days to pay it. If I met the mail man and went in the computer and went to the bank to pay that bill, you wouldn't have it in time, in 5 days. But if my meter was read on the 15th of August, which is the billing date, I couldn't afford to run my house that way. I can't wait 6 weeks to get paid. Then I've had checks lay somewhere for 28 to 30 days after you receive them.

Mayor Infante: The last council meeting we had the same discussion.

Mr. Davis: I was here.

Mayor Infante: We have terminated the contract with the printing company because they were messing up every time we sent batches to them, so that's been taken care of. So I think the last batch that went out somebody said they received a bill within 3 days.

Mr. Davis: I understand that.

Mayor Infante: So we're correcting that.

Mr. Davis: But I don't get my check cashed for 2 months and a half.

Mayor Infante: Well, that's been corrected too.

Mr. Davis: I don't know how we can run a business with a month and a half reading to get money in. Now, the gas company had their money the 22nd and they billed me on the 5th, so just a comparison. Have we looked at other people how they're doing their billing to efficiency? Thank you.

Mayor Infante: Right now we have probably corrected most of the problems that we have. One was the billing. We sent a letter to nullify the contract, so we have a new printing company for the time being until we get the new software, then we'll be printing our own bills. We'll start printing our own bills probably within the first of next year, but for the time being, we have another company that's doing our printing. We just sent a batch out last week and it went out within 3 days, so we corrected that problem. We corrected the checks that were sitting there so every day they are put in. We're just waiting on the new software.

Mr. Davis: Thank you.

Mr. Papalas: Mr. Chairman, being that this has come up now, let me add that I have received a couple of calls. Rather than read this tonight, I am going to hand it to you and let you deal with it because this lady's bill on Hyde Street needs some attention. On Williams Street.

Mayor Infante: We already had her in here. I've had her in. Neil's had her in. It's been addressed. We've got all the information.

Mr. Papalas: When did she come in?

Mayor Infante: I talked to her probably Monday in the office. Neil talked to her Tuesday. We tried to explain it to her. We sat her down and gave her a whole printout of last year and this year and tried to show her, but she still wasn't satisfied so I told her to come to council meeting. I have all the information here.

Mr. Papalas: Thank you. Okay, I'll give this letter to you. I appreciate you working on it, Mayor.

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

Nicole Cole: I'm just curious too as far as the billing. I called last week four times and no one ever answers the phone so I did contact the Mayor's office because I figured someone would answer there and give me the billing department. My bill was almost doubled from the month before and I didn't know – are you guys doing 30 day billing? It's almost like my bill is 45 days. Back to what he said, I got a bill on May 14th and my bill was due on the 12th. It was in my mailbox ; therefore, I did send a letter and I did pay, but when I called and talked to someone this past week, they told me, "Well, look out because your bill is going to be very high next month as well." So I don't know the person's name, but what do you guys have in place? Are we going 30 days a month or are we going 45 days?

Mayor Infante: From 3 batches ago until now your bill should be a 30 day bill. It should be a 30 day bill from 3 weeks ago on. This week is the last batch. We'll have one complete month of 30 days. We're staying on that.

Ms. Cole: I went from \$144.00 last month and all she could tell me was that next month my bill is going to be outrageous as well. I was going to pull all my bills, but I didn't have a chance to.

Mayor Infante: You don't have to pull your bills. If you want, come on down and we'll run you a print out and we'll have somebody explain it to you. We don't do it ourselves.

Ms. Cole: Are you guys in until 4:30 during the week?

Mayor Infante: Yes.

Ms. Cole: Because like I said, 4 times calling and not talking to anyone, so I have to, you know –

Mayor Infante: The reason why you're not getting a phone call answered is because we're swamped. I know they are really working extra hard because of this situation. The bills going out and the printing, so they've been swamped with phone calls.

Ms. Cole: So should I compare the next one –

Mayor Infante: You can come down anytime you want and we'll go through it.

Mr. Buccino: Who told you it was going to be double next month? Was it one of ours?

Ms. Cole: I don't know. Yes, Yes. I just said this was crazy. I'm the one that pays the bills every month. This is outrageous. Nothing changed. Nothing was wrong, nothing was different. When I said, well I need to have someone come out and read the meter, that's when she said, "I'm just telling you what, your bill looks like it is going to be outrageous next month." So I'm like –

Mr. Buccino: Bring it down. What was the usage on it?

Ms. Cole: I'd done know that. There are a couple of –

Mr. Buccino: There's a due date on the front. On the back is the usage. It will tell you how many days in that cycle.

Ms. Cole: Like I said I know my sister received a bill and she had gotten some letter in there saying don't - disregard – blah, blah, blah -the billing went out late.

Mr. Buccino: The billing went out on time. The company that did the printing put it out late.

Ms. Cole: Just like, I don't want any late fees.

Mayor Infante: One thing we are not doing is charging any late fees.

Ms. Cole: Ok. So I'll just come in the get a print out so I can see everything. Thank you.

President Marino: Nicole, can you call the Mayor's office and let them know when you're going so Neil, our Service Director, can be better prepared. Just call his office.

Ms. Cole: Yes. I work until 4 so I can be there before 4:30.

President Marino: Thanks, Nicole. Anyone else? You wouldn't happen to be Fred D'Amico?

Mr. D'Amico: I am.

President Marino: Ok. Mr. D'Amico asked to address Niles City Council this evening concerning the Youngstown Regional Film Commission, so we'll afford you 5 minutes of fame here in Niles.

Mr. D'Amico: First, I don't know the protocol.

President Marino: Come up front.

Mr. D'Amico: This is from our last event we had at the Canfield Fair at which time we brought in an actor producer Randy Wayne. He is also tied to financing source. He has two other projects, which was made in 2009 and released it and made it for \$500,000.00 and made ten million, and we want to make a sequel. We used Louisville, Kentucky and I asked him, what about YSU, a university in town. So I showed him around. We're looking into another project with Steven Baldwin and (inaudible) movie called (inaudible), which would be great for the area as well and they would like to use our area if possible. I'm a producer who just did a movie with Christopher Walken and Christian Slater and Larry King. I've been away for 17 years, but I'm from here, my mom and family is from here. I left and went out there and learned that business and learned that that business is happening in Cleveland and Pittsburg. The economic impact study from the Cleveland State University is amazing. It actually showed the impact that it makes on a community. I am basically reaching out because I'm trying to find out what Niles has, what programs we have in place as a community that can assist production companies if they want to come to the area, such as Pittsburgh and Cleveland, what are they offering? Office space, discounted rates, no permit fees, no street closure fees, the use of offices on set and a really exceptional community. We want to start offering something. I'm trying to redesign this whole film commission idea for our area. Other people, like myself, Ray Mancini. We're very talented people here. We're from this region and I said, Youngstown Regional Film Commission because I realized that we are large and wide and it's not just Youngstown. I don't think just in a few mile radius – just to go to an audition it's 45 minutes. You just don't think about it because it just the state of mind. You're thinking it's 45 minutes in a car. I can't do that. I would go down in a heartbeat. That's just what it is. I know we have to expand out and there are different regions, areas, look, towns, buildings that they can utilize from this area to Columbiana. I have had meetings with Tim Ryan and Joe Schavione. I've talked to YSU theatrical department. I've talked to Richard Johnson. I've been working with YSU as much as I can, but also we can put in cry outs in this area and I would like to put that cry out to the City of Niles as well because we do have the talent. I know talent agents who are looking for more representation and we're going to try to do some kind of a fund raiser for this campaign where we're going to offer 20 people a chance to get representation. So we do have over seven billion dollars-worth of movies for our area, including this one that just came in the other day called "The Computer Simulation Project." We're working on another project with Whoopie Goldberg and Dolly Parton and the Hollywood Racino. We actually sat down and we're thinking, well, we could have a premier. Whatever is going to bring excitement to this area and get the community to the next level. Tourism, creativity and the overall feeling of a community when you have excitement. So what I'd like to do is find out what people you think would be good to meet with, sit down and see how we can probably add into the film commission data base for our area. By the way you could say, Niles has this. We can have casting call over here. Dream as big as you want because they told me, "Fred, it's a pipe dream." For 15 years, I want to do a project and I got it done with Christopher Walken. I said I wanted Larry King for 12 years and in 2012, I finally got Larry King to say yes. I didn't ask him for over 12 years and I finally called him and said, "Hey Larry, remember me?" He said, "Yes, I love that idea." I'm now looking to build the

infrastructure and it's designed to create a film commission and film stage and I have talked to a man by the name of Todd Mackey. Todd Mackey is a composer who works with the orchestra out of Youngstown. They're looking for a stage where they can set up microphones to enable players that we have. My mother's a singer and she's been doing auditions her whole life and I'll tell you, there is so much talent here, it's unbelievable and now it's time to turn all your attention back on Youngstown. A lot of people are coming here and it's not going to be hard. So we are going to go out to California and hopefully go to the American Film Market and market Youngstown to Hollywood and bring Hollywood to Youngstown. So if the city wants to join me on any level, float any ideas and if you want to get on board, just tell me and we'll get it down. We talked to the Port Authority. We talked to the county commissioners. We're all trying to figure out how to do this and maybe the oil and gas will be the answer too because as the revenue stream begins, there's a lot on the table. I'll leave extra stuff on the table. We have a small website. If you guys have footage of the city, whatever footage is available. Why spend dollars on more video. You've already spent \$75,000.00 to get a video done for the chamber economic. Those shots could be re-edited with new voice overs and now you're talking to all the producers telling them, look at the great landscape like Little House on the Prairie, you know, 2015 edition. Right here. Look at our courthouse back in the day, you know, back to the future. We have small town and a big city look. We can always steal shots from Cleveland if we need them and Lake Erie. Thank you guys for your time.

President Marino: Thank you, Fred. That concludes the public comments section of our council meeting. Committee Reports?

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____ (Draft No. 69-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED POLICE AND FIRE 1/2 % TAX FUND TO VARIOUS ACCOUNTS IN THE POLICE AND FIRE DEPARTMENTS AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No. 69-14.

YEAS: 7 NAYS: 0

Draft 69-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 70-14)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED POLICE & FIRE ½% FUND TO THE POLICE EQUIPMENT MAINTENANCE ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Pezzano for suspension.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Lastic to adopt Draft No. 70-14.

YEAS: 7 NAYS: 0

Draft 70-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 71-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE MUNICIPAL COURT'S WAGES, PENSIONS, FICA AND HOSPITALIZATION ACCOUNTS; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Merlo for suspension.

Mr. Papalas: Mr. Chairman, this rounds out the Judge's budget for the year. There won't be any more appropriations.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No. 71-14.

YEAS: 7 NAYS: 0

Draft 71-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 72-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WASTEWATER TREATMENT PLANT DESIGN AND IMPROVEMENT FUND TO THE WASTEWATER CONSULTANT FEES ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Papalas for suspension.

Mr. Papalas: This is to the tune of a million eighty thousand dollars for consulting fees for the wastewater treatment plant which we must build. We don't have a choice in that.

Mr. McCormick: This is the fund that we created to move the money from OWDA back to us so that we can pay it to wherever it is supposed to go?

Mr. Nader: Yes.

Mr. McCormick: Ok.

President Marino: When do we start paying this back again? When is the payment due on the note or the bond or however we are financing it?

Mr. Nader: Not for at least six months.

President Marino: Do we know how much that will be?

Mr. Nader: It all depends on how much we borrow. That's why we are taking it out in increments. The interest rate, to my knowledge, is 4.3%, so if we borrow one million dollars, after one year we'll owe \$43,000.00 in interest.

President Marino: I recall you saying a little while ago we had one hundred and some thousand dollars in the sewer account right now. We have to take money out of that to pay for IT, so looking ahead for next year, I'm quite certain that you'll budget appropriately concerning this operation because we still have to operate a plant down there that is falling apart. Then we have to start paying on the debt on the plant, so revenue is still a great concern for me.

Mr. McCormick: There are some revenue changes in effect for that as well. I don't know if they meet the needs.

Mr. Papalas: That's the problem. I think that's where Bob's going. Mr. Auditor, you better be giving us some advice in the next few months on this, all right?

Mr. Nader: Yes, sir.

Mr. Papalas: Let us know where we're at and what people need to do.

Mr. Merlo: Is everything set for the OWDA account?

Mr. Nader: Yes.

President Marino: For suspension, call the role, please.

YEAS: 7 NAYS: 0

It was moved by McCormick, seconded by Papalas to adopt Draft No. 72-14.

YEAS: 7 NAYS: 0

Draft 72-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 73-14)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO VARIOUS DEPARTMENT ACCOUNTS; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

Mr. Papalas: Mr. Chairman, I want to make a couple comments. As you recall from our last Finance Committee roundtable meeting that we had, these are expenditures that are going from the general fund to safety service, health department, the senior citizen's complex and building and zoning. And just to clear some of this up so we know what we are doing, we started a new process in the budget this year where we went zero base. That means the administration with the support of city council stripped the entire budget as much as we could. Everything there is what the department heads wanted with the intention that they would have to come to us each time they needed to buy something so that we knew exactly where the money was going and we could better control the budget because things are thin this year. And so that's what many of these transfers and expenditures are about tonight. We're heading into the last quarter of the year, department heads need things and so we're appropriating that money from the general fund where there was a category from which we deposited everything and are drawing from it now. As I stated earliest this evening, we need to be very careful in general fund. We can't be spending money from it now except for that which the Mayor has committed to earlier and I think the process is working as well as it can under the circumstances. We're going to continue that for next year and I'll be talking about the budget in a while. That's all I have to say, Mr. Chairman.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No. 73-14.

YEAS: 7 NAYS: 0

Draft 73-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 74-14)

A RESOLUTION AUTHORIZING AN APPROPRIATION FROM THE UNAPPROPRIATED SEWER FUND AND A LINE ITEM TRANSFER WITHIN THE LIGHT DEPARTMENT TO PROVIDE FUNDS FOR UTILITY BILL PRINTING; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Giancola for suspension.

Mr. Stredney: I have a question. Is this higher than what we were paying for the other printing?

Mayor Infante: Pardon?

Mr. Stredney: The new printing that we are getting in the interim, is that higher than the other printing we were doing?

Mayor Infante: Same cost. The money that we are transferring here won't go to the old company, it will go to the new company.

Mr. Stredney: So the projected cost for the year is going to remain the same?

Mayor Infante: Yes.

President Marino: Mayor, does that cost get us through the year or month to month?

Mayor Infante: Yes. Through the year.

President Marino: For suspension, call the role, please.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Merlo to adopt Draft No. 74-14.

YEAS: 7 NAYS: 0

Draft 74-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 75-14)

A RESOLUTION AUTHORIZING A LINE ITEM TRANSFER WITHIN THE WATER DEPARTMENT TO PROVIDE FUNDS FOR SUPPLIES FOR THE WATER DEPARTMENT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Pezzano for suspension.

President Marino: Chuck, where is this money coming from if there is no money in water.

Mr. Nader: This is a line item transfer. Money was already appropriated in --

Mayor Infante: \$5600.00.

Mr. Nader: \$5630.00 equipment purchases. That was put on hold so the money is being moved to equipment purchases into supplies for the appropriation.

President Marino: Ok, if you say so.

Mr. McCormick: Don't I understand that this is to replace repair materials and things that have been used that we need in order to --

Mayor Infante: Material for water breaks.

Mr. Merlo: To keep the department running.

President Marino: Ok. I hear from others there too that they are complaining that they don't have any equipment or parts to repair broken water lines in the winter time. I knew what it was for. I worry about where it's coming from, the money. For suspension, call the role.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Lastic to adopt Draft No. 75-14.

YEAS: 7 NAYS: 0

Draft 75-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 76-14)

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF CHERRY ALLEY

Mr. Pezzano: Mr. Chairman, last Wednesday, myself, the committee and some of council went to the location and talked to the residents. Tonight I was actually going to make a first reading and tentative planning committee; however, Mr. Vigorito brought it to our attention today that he talked to one of the residents. He would like us to table it and I would like to have Mr. Vigorito stand up and explain why.

Mr. Vigorito: I discussed about the vacation with two of the signatures on the vacation permit and explained some issues that could arise from it and they were in agreement that this be

stopped at the present time. They still may come back in with a group of other issues. So I'm asking that this be tabled.

President Marino: Are you making a motion?

Moved by Pezzano, seconded by Lastic to table Draft 76-14. All in favor signify by I.
Draft is tabled.

Mr. McCormick: Question. Terry, property that we have like this, this alley that we vacated, is this property that the city could sell or must we just vacate them and give them to the residents? How does that work?

Mr. Dull: We don't actually own the property like you would if you buy a house and you have a warranty deed to it. We just have a right to put a street in and that it has been dedicated for that purpose so in the end, if we decide we are not going to do something, the process of taking it away from the city is the vacation of property.

Mr. McCormick: Ok. Thank you.

President Marino: Would the clerk please present the next Draft.

ORDINANCE NO. _____ (Draft No. 77-14)

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 351.18 (A) AND (B) BY
REQUIRING OFF STREET PARKING ONLY ON CERTAIN IMPERVIOUS
SURFACES**

It was moved by Giancola, seconded by Pezzano for suspension.

Mr. Giancola: Mr. President, we had to bring – we had two codified ordinances that were close and well, Tony could probably explain this more – we have the same pages in the police department and the zoning – we're on the same page in the ordinance, am I right?

Mr. Vigorito: What this is is we have three ordinances covering types of driveways. Two of them said you could use gravel. There was one in the police department, two in zoning. These say gravel and the latest ordinance that was filed says blacktop, concrete or brick. This is just to make all three ordinances uniform for enforcement.

Mr. Papalas: So if it's gravel – I'll give you an example, the fellow that was here at the last council meeting and had that gravel apron where he had parked and he was still off onto the sidewalk, but someone has a gravel apron like that and they are parked on it, what does this do? Does it prohibit that or is it allowed? Just so I know.

Chief Hinton: I believe Terry is coming up with a definition of street law i.e. devil strip.

Mr. Giancola: We're going to have another meeting on that section of it.

Mr. Papalas: Ok.

Mr. Giancola: As soon as Terry comes up with information.

Mr. Papalas: I'm good.

President Marino: For suspension, please call the role.

YEAS: 6 NAYS: 1 – Mr. Stredney

It was moved by Giancola, seconded by Papalas to adopt Draft No. 77-14.

YEAS: 6 NAYS: 1 - Mr. Stredney

Draft 68-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 78-14)

AN ORDINANCE REPEALING CODIFIED ORDINANCES 549.11 AND 549.12, AND AMENDING 549.13 (A), TO ALLOW THE CITY TO CONFORM TO THE REQUIREMENTS OF OHIO REVISED CODE SECTION 9.68, PROHIBITING LOCAL REGULATION OF THE SALE AND OWNERSHIP OF FIREARMS

Mr. Papalas: So, what does this mean? I mean I'm reading it, but you know the legal stuff. I'll leave it to you.

Mr. Dull: This revised code statute 9.68 came out and basically says we are no longer going to – the state said -- we're no longer going to allow local regulation on a number of issues regarding fire arms and there was a letter that I think you received a copy of from an organization called Ohio Carry pointing out to us that we needed to look at our ordinances and we could be in violation of the statute and if you don't do something. There's a provision under the Ohio law that says you could have to pay the costs of their attorneys and other things. I did some research on it and talked to the prosecutor and also talked with the attorney that works for the company that does our codified ordinances and he said that we are certainly not the only ones that got this letter. A lot of these letters went to a lot of communities in the state and we determined that they are correct and we need to make this change. So the ordinances that we are pulling out basically says that the city has a right to license the sale and purchase of fire arms. So we're pulling those ordinances out so that now we will be coordinated with state law and whatever state law says, that's what we have to do.

Mr. Papalas: Just like the oil and gas industry.

Mr. McCormick: But it's not interfering with the right that people have now with their guns and everything like that; it's just bringing us into compliance with the state law?

Mr. Dull: Correct.

It was moved by Giancola, seconded by Lastic for suspension.

YEAS: 7 NAYS: 0

It was moved by Giancola, seconded by Stredney to adopt Draft No. 78-14.

YEAS: 7 NAYS: 0

Draft 78-14 has been adopted on the 1st day of October 2014.

ORDINANCE NO. _____ (Draft No. 79-14)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH PUBLIC-FINANCE.COM TO FINANCE THE COSTS OF PROJECT MANAGEMENT AND METER INSTALLATION FOR THE REPLACEMENT OF RESIDENTIAL WATER METERS; AND, DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Giancola for suspension.

Mr. Papalas: Mr. Chairman, we had a lengthy discussion on this at our roundtable meeting and if everyone recalls, I think it was – Mayor, I think it was you, I said make sure then that we relate these details at the public meeting so it's in the minutes and so the people understand it. If you don't mind, could someone relay the details of this meter installation.

Mayor Infante: Yes. What this is, we purchased the meter program when we went out for bids to enter into a contract to replace all water meters throughout the city. What they are is wireless read. They are units on the house and they are read every day wireless. We purchased 8,000 meters. We installed 1,800 then I put it on hold because the water department didn't have enough revenues to finish the project. They are all purchased and paid for. Now we have to install another 6,000.00. So we reached out to Neptune and gave us a deal where they will finance it for us. It will be a four-year period. The financing won't start until 12 months after they are all installed and supposed to generate up to about a million two per year in water revenue. So that's what this is.

Mr. Papalas: And the generation of that comes about because the old meters aren't running correctly and so –

Mayor Infante: Yes. And also the MVSD replaced their big water main meters.

Mr. Stredney: I thought we bought some of the installation costs already. I thought we discussed this.

Mayor Infante: On the 1,800. Then we put a stop to it. The good thing about these new meters is if somebody has a leak in their home, it's going to raise a red flag in our billing office and we'll be able to call you and let you know that you have something continuously leaking. It's one of the state of the art type meters.

Mr. Stredney: And the wireless thing has got all its kinks worked out? It's all working?

Mayor Infante: Yes.

President Marino: I have one of them and my reads.

Mayor Infante: If Bob had a toilet leaking, it prints out every day in the billing office and we'll be able to run a print out and let him know that, if he's on vacation, he has a leaky toilet and we'll be able to go over there and shut it off and try to contact him.

President Marino: Yes. Mine has been reading and working. For suspension, call the role, please.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Lastic to adopt Draft No. 79-14.

Mr. Stredney: Mayor, are they going spread this out over four years?

Mayor Infante: Yes. If the revenue comes in good, we can pay it all off at once too. What you guys do.

Mr. McCormick: Ralph, do they have a time frame on how long they think it will take them to do those 6,000 meters?

Mayor Infante: Six months.

Mr. McCormick: Six months?

Mayor Infante: Yes.

YEAS: 7 NAYS: 0

Draft 79-14 has been adopted on the 1st day of October 2014.

MISCELLANEOUS REMARKS

President Marino: Gentlemen, I will have prepared for you amended rules for your consideration based off of the performance audit relative to council's responsibility to establish an Audit Committee. As you may recall, we discussed the establishment of the committee being comprised of the finance chair, the IT committee chair and two appointed representatives from each of those committees to serve on that Audit Committee. I will have Terry review the amended rules and have him look at it. Have you look at some for your consideration in November or early December. If you have anything you would like to add, just call me and let me know. We need that in place before these audits start being released. At the rate we're going, I don't know when that will be.

Mayor Infante: Just to call a Finance Committee next week. I would like to meet with council, especially the Finance Committee, and whoever else. I started putting together some recommendations to the auditor's findings so I would like to run it by you guys and get your info.

Mr. Papalas: How about Wednesday, Mayor?

Mayor Infante: That's fine with me.

Mr. McCormick: Is that a finance meeting or are we going to call it a roundtable?

Mr. Papalas: We'll call it a roundtable. What time?

Mayor Infante: It doesn't matter to me.

Mr. Papalas: That will be the 8th? Wednesday the 8th?

Mayor Infante: Yes.

Mr. Papalas: How much time do you need?

Mayor Infante: About 45 minutes.

Mr. Papalas: 4:00 ok then?

Mayor Infante: That's fine.

Mr. Papalas: Ok. 4:00 on the 8th in the conference room.

Mayor Infante: Yes, conference room.

Mr. Buccino: Nicole, can you get me your address before you leave?

Ms. Cole: Yes.

Mr. Dull: Yes. I received a letter this week from the Public Defender's Office. They are asking us to extend our agreement with them for another year. It's the same price as it has been for a number of years now. \$7,375.00. If it's all right, I would like to have that brought and present it at the next meeting as council as a whole?

Mr. Papalas: I'll make that motion that we bring that ordinance and sponsor it council as a whole.

It was moved by Papalas, seconded by Lastic to sponsor the ordinance by council as a whole.
All in favor signify by I.
Motion carried.

Mr. Papalas: Mr. Vigorito, can I see you real quick after the meeting? For a minute? Also, I want to talk about budget hearings real quick, although we can probably do it at the finance committee roundtable, but I think it would behoove us if we started those in October. I've talked about it with the auditor, and Mayor, maybe we could do these in your office in the mornings one day a week, a little bit at a time, and if we start in October, we can get it done rather than trying to do it in the evenings when we're rushed for time and so forth. Is that all right with you?

Mayor Infante: Fine.

Mr. Papalas: We'll do the same approach that we did last year. Anyone who could make those meetings we'll let you know when they are. Finally, is there anybody from the Warren Tribune here? The reporter from the Warren Tribune here? Because I want to be careful. I don't want to be accused of a rant. Again, you see these editorials from time to time in the newspaper concerning Niles and Niles City Council and the condition that we're in and so forth. I just want you to know we are working on this very hard as a team. We got into this as a team and we're getting out of it as a team. But unfortunately, it's not reported that way. You don't even see the details of what we are trying to do and then they come up with those editorials from people who often don't make the meetings. Anyway, I just thought I would bring that up and this time I didn't rant or raise my voice. I remained calm because the last time I got an onion. I don't like being in the onions. I never did. So anyway, that's about all I have to say.

Mr. Merlo: Earlier in the week I requested some information about -- we all know about this recent theft we had in office. Me personally, I'm questioning our checks and balances here in the city. With all our daily revenue from departments that we have from utility billing to income tax, building and zoning, cemetery, how do we certify the money that's coming in on a daily basis with our treasurer's office and our auditor's office? Our treasurer and our auditor should be that independent person that is certifying the money that is coming in. Do we have that in place? And if we don't, I recommend that I make a motion that we get with the auditors to look at that.

Mr. Papalas: I'll second that motion.

President Marino: Ok. So --

Mr. Merlo: Do we have anything in place?

President Marino: Hang on a second. That was based off of your inquiry for information and the state auditors responded to John and I that based on his inquiry did they want us to look into those other revenue generating areas to ensure your money is protected, regardless of procedural safeguards. It may or may not be in place because we don't know. So your motion then, John, and I want to make sure I get this correctly, is that council is directing the state auditors to look at procedural safeguards and internal controls in all revenue generating departments within the City of Niles to check for compliance with their recommendations? Is that correct?

Mr. Merlo: Yes.

President Marino: Seconded by Papalas. Are there any questions?

Mr. McCormick: Usually we are kind of reluctant to vote on things that just pop up, you know, I wasn't aware that this was coming or anything like. I would like to see it on paper before I vote on it. That's only my feeling.

President Marino: Well, we're asking the state auditors to look into our revenue generating departments. Keep in mind, for the past few months we've had two alleged thefts take place. The auditor told us that they put procedural safeguards in after the first one and then we had another one. So, --

Mr. Stredney: Wait a minute.

President Marino: Hang on, let me finish my thought and I will gladly give you the floor.

Mr. Stredney: I'm sorry.

President Marino: John is asking the state auditors and they responded to his e-mail. I can't guarantee their procedural safeguards. I'm not putting my name on anything that is there. Are you willing to do that? So all council is doing is saying, hey Mr. Auditor, go look at our revenue generating departments and just make sure there are procedural safeguards in place and internal controls to protect the people's money. That's what you're asking, and I think council and as my predecessor said and reminded me regularly, Mr. Camerino, council speaks through its minutes and its resolutions and motions. This puts you all on record that you are in support of the auditors looking at that.

Mr. Stredney: First of all, I'm sorry I interrupted you. We did say we were going to put safeguards in after the first theft. Do we have safeguards today?

Mr. Swauger: Yes.

President Marino: I don't want to put anybody on trial. We want our state auditors -- what I want and I speak strictly for myself -- I want the state auditors to come back to everybody and say we looked at all these revenue generating departments and there are procedural safeguards,

there are internal controls or you know what, you guys might want to do this, this, this, and this to protect the people's money.

Mr. Papalas: Let's just put it this way, we want them to double check. I don't see how anybody in their right minds who sleeps good at night could question that.

Mr. Swauger: What I'm saying is that we're happy for the auditors to come in and examine what checks and balances we have in place and say are they good or do they need improved. That is what the motion is, I guess?

President Marino: That is what --

Mr. Swauger: Am I correct in that, John?

President Marino: That's what started the whole thing, Bob, was John asking. As an example, in his e-mail he used examples and then we got response back.

Mr. Swauger: That's what I'm saying. Look at our checks and balances in place and if there is something better that we should be doing instead of what we are doing. Just a double check to make sure we are doing everything we can.

Mr. McCormick: Well, I believe in doing that and what we said earlier, take it wherever we have to take it and leave no stones unturned. I believe in that also. But I think it should have come in under our regular legislation rather than coming in -- why did it come in on the comment side?

Mr. Papalas: Ed, I put motions on the floor tonight.

Mr. McCormick: Ok.

Mr. Papalas: To bring an ordinance to the next council meeting. This isn't something new.

Mr. McCormick: I believe in what you're trying to accomplish here and I believe in the end method. It's just a little strange that it's going on this way to me.

Mr. Merlo: I just think right now is the time to do it.

Mr. McCormick: I agree. I don't disagree with what this attempts to accomplish. I agree with it.

President Marino: I give Councilman Merlo some credit because you know how I am, you read my e-mails, you know how direct I am anymore, you know how caustic I can be and how I am holding people accountable. There's no mistake in where I'm coming from, is there? No. I give Councilman Merlo credit because he could have very easily just done that on his own in self-purporting without allowing everybody in this room the opportunity to state where you fall on this question, and I don't think it's a surprise tactic. I think it's an informative tactic and I give

John credit for his fiscal insight based on his background to be perfectly honest, because the questions he asked. I'm not a fiscal guy and I tend to rely on fiscal people to provide me direction. When he asked those questions, I was like I certainly hope we have those things in place. So I think his motives are nothing but honorable and I think his motives are allowing council to speak in conjunction with the administration because I know the Mayor has spoken to Eric on many occasions and told him, go do what you have to do.

Mr. McCormick: I support it, but I just – if information of this was shared with some people, it should have been shared with everybody prior to this meeting.

Mr. Papalas: I haven't had any information from the auditors.

Mr. Giancola: You said you got to look at an e-mail or something?

President Marino: He sent the e-mail to all of you. You all got it.

Mr. Papalas: Yes, but I didn't get anything from the auditor.

President Marino: John and I are the only two that got it from the auditor. Do you want us to look into this? My response was, John you asked it, we'll take direction from council.

Mr. McCormick: I support this.

Mr. Merlo: That's all I have, Mr. President.

President Marino: All in favor of the motion signify by I.
Motion carried.

President Marino: John, would you e-mail the auditor and let him know the position of city council?

Mr. Merlo: Yes.

Mr. McCormick: Will there be a fee attached to their doing this?

President Marino: There is a fee for everything they're doing for us and it's going to be a big one, I'm quite certain.

Mr. McCormick: Just for this or for –

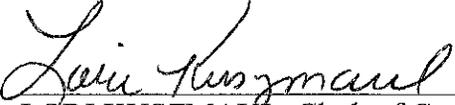
President Marino: Everything they're doing, we pay.

Mr. McCormick: I know we're paying for everything.

President Marino: I just think that when the dust all settles, we'll all be comfortable that the city's finances are protected, we have the appropriate internal controls and the state auditors are providing us with their seal of approval and/or recommendations for you to consider.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council