

## **COUNCIL MEETING MINUTES**

**January 4, 2017**

Niles City Council held its regular meeting on January 4, 2017 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, Nicole Bacak, called the roll:

Lastic-P, Papalas-NP, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

Motion to excuse Papalas and Mr. Depasquale from the meeting. Moved by Lastic, seconded by McNaughton.

Motion carried.

It was moved by Steffey, seconded by Pezzano to accept the Minutes from the December 7, 2016 meeting and place them on file.

Motion carried.

### **REPORTS AND COMMUNICATIONS**

**FROM** The Treasurer's Office, Income Tax Division

Monthly Receipt Totals through December, 2016

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

Motion carried

President Marino: Janet, did you hit the mark? Were you above or below?

Janet Jones: We were above

President Marino: By how much?

Janet Jones: \$7,135,000

President Marino: What was your estimate?

Janet Jones: Original estimate was \$7,190,000 and then we amended it to \$7,030,000

President Marino: About a \$132,000 over projected. So what are we projecting the year end to be?

Auditor Merlo: Once we get reconciled, I will have a firmer number on what those numbers are. But preliminary we are at approximately at \$300,000 of carryover. I do not want anyone to be surprised by that number but there were a couple of things that took place there. One was the

upgrades to the facility; those were never appropriated for the masonry and interior work to the city building. The city did receive an inheritance tax at the end of 2016 which was unaccounted for. This was not budgeted for since we hardly, seldomly ever get these. It was for approximately \$61,000. Approximately, we shot for 7 million from almost 7.2 million so 200,000; we shut off all spending in the general fund except for wages as of mid-November when Janet brought this to our attention. So all of those factors took into play why are approximating \$300,000 in carry over cash. There are a lot of factors that go into play, but however, we are going to be making appropriations now for the building and those are going to start coming off. But those one time hits that weren't expected, like the inheritance tax and we got one large check at the end of 2016. The other part is Building and Zoning was above what was anticipated for 2016. I believe it was about over \$80,000 over their projected number. So that was another factor. There were a lot of factors that went into why we ended the year and why we have that money. So, the departments cooperated really well in the general fund with cut of expenditures. Police and Fire were very cooperative and the other general fund departments were very cooperative. It was a team effort to make sure we didn't end with a negative balance and some unexpected revenue dollars.

President Marino: So less the inheritance, and the masonry and the interior, we would have ended the year with about \$100,000?

Auditor Merlo: \$100,000 ish yes

President Marino: Okay. Motion carries

Clerk: That's all

President Marino: Would anyone in the member of the audience wish to address Niles City Council? Please raise your hand and be recognized by the chair and state your name and address for the record.

#### **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

Paul Davis: 44 Hartzell Ave. Niles, Ohio 44446. First of all, did we ever get an answer on MVSD on the request for the rates for the water they charge us? I will take that as a no.

President Marino: I wouldn't know Paul that would be Andy

Paul Davis: Well I have asked twice now at various council meetings for the last two months.

President Marino: I know

Paul Davis: You have heard me

President Marino: I have

Paul Davis: Okay. Second of all.

Andy Catanzarite: Mr. Davis, I was out at a meeting with them and the discussion did come up. As of now there is no refund but that is not to say that they are not still trying to do it. But as far as any rate reductions, that isn't even on the table.

Paul Davis: Did we ask them?

Andy Catanzarite: It's been discussed with them but with what I brought up the last time that they have a lot working going on with three to five million dollar worth of projects. And they are hoping to handle those projects with the model they have now and not add to it or ask. Okay. I am not going to push it. If we get a rate reduction, we are going to get another to go back.

Paul Davis: I thank you for that Andy. Second question in lieu of the fact that I am going on vacation and we have this deadline for the meter reader application Friday I believe, I am going to get mine down there tomorrow. There is no age discrimination in the city, I am assuming? Because I am quite old, but I can still be a meter reader. When will the test be given as we have discussed in the past to all applicants?

President Marino: The administration did not pursue testing but they proposed and the law director, finance chair, myself and the auditor had a discussion to get an employment policy. And I know where you are going with this Paul. It deals with the meter reader job and the potential that the job has already been filled.

Paul Davis: It has been filled?

President Marino: I am just telling you that it has been allegedly filled. So let's just cut to the chase on this.

Paul Davis: Wow what a blow that is.

President Marino: Well, Paul here is what we are doing. I am asking the finance chairman and the law director to review the policy and see what took place regarding this meter reader position and to report back to Niles City Council because we cannot discuss employment per say here. So I asked that Barry and Terry to review the policy and report back to us regarding the position.

Paul Davis: Thank you for that. In my view, I don't know about anybody else, but my view but I blame everyone up at this council for that happening and I will tell you why. Because then they will turn around and okay everything that they want without any giveback.

President Marino: Well I respectfully disagree with that because.

Paul Davis: Well I have the right to think that

President Marino: And that is why I said I respectfully disagree and here is why. Council legislates and council appropriates. Council does not employ; however, at the assistance of

myself and some others, we inserted into that recovery plan which became effective now that any vacant positions going forward must be presented to Niles city council to determine whether that position will remain funded or defunded. Prior to the approval of that plan Paul, the money was appropriated for positions and it was at the discretion of the administration whether they were going to hire and at what time they were going to hire. Myself and others felt that we needed more legislative authority and some more legislation oversight to clean the employment practices up. So council doesn't hire, the administration does, the mayor and the safety service director. So, the responsibility on employment and employment of individuals rests on their shoulders.

Paul Davis: Okay can I go now?

President Marino: You sure can

Paul Davis: I still blame each and every one of you because the next thing that they ask you for you can say no no no no but you know what they will say, they will pass it 7, 8 no nays. True?

President Marino: I have seen in the past year that funding has been denied to the administration. I have seen, you wouldn't see those things because it doesn't make it to the floor. Have there been things that have been approved that we don't agree with, absolutely. Absolutely

Paul Davis: Well we can just stand to disagree on that. One thing that is very important to me are the youth of Niles. And I can't think of one good thing that we do for the city's youth other than cut the grass of the soccer fields and baseball fields. My main interest is the baseball which it has been let go from when I was in charge out there close to 800 children took place in it and we traveled to numerous cities in the Mahoning Valley with our older youth. The younger youth all stayed in house and played and now we are down to 250 kids playing. We are charging anywhere from \$100-\$150 a child to play. Most people in Niles can't afford to pay that. When I left, it was \$20 a person and wanting to go free the following year. Something has to be done. We have to take over this baseball at the Niles as part of recreation. That way the money doesn't go into a frying pay on top of concession stand. It comes into the recreation office and is distributed from there. I think, Linda, you are in charge of the entertainment or parks.

Ms. Marchese: No the rec board is now. They are coming...they have been (inaudible)

Paul Davis: Oh the park board is. Are they here now?

Ms. Marchese: I think one gentleman is. I thought I saw him walking in. But the parks board in charge of all of that

Paul Davis: Well we have to get something going on that because the way it's going now \$150 to play baseball that's ridiculous. Was there a comment?

President Marino: No, we heard something up here and I didn't know what it was

Audience: Your name is Paul. My name is Paul. Can I speak?

President Marino: I need your name and address for the record.

Paul Hake: Paul Hake, Niles, Ohio 18 Woodland Chase 44446

President Marino: Go ahead sir

Paul Hake: I agree with you 100%. But the park board is resurrected. (Inaudible) for two months now and just retired and it is a hand full. We need some volunteers like you to help us out. Help teach some baseball and get that price where it is reasonable.

Paul Davis: You got my name and number. I'm on hartzell ave.

Paul Hake: Thank you

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

Beth Francis: 358 West Park. I believe it was the weekend between Christmas and New Years. I called down to the city building and asked to reserve the girl scout cabin and I was quoted a price. And I made sure I got that price for a reason. I went down today to actually reserve that girl scout cabin and I walked away not with the same price I was quoted. It was actually a week ago before I went down there today. I called my preacher because we rent the girl scout cabin every year. I didn't tell her the price I was quoted. I wanted her to quote me the price she pays every year. The same price is the price that I was quoted before I went down there today. The price I got quoted on the phone was \$70. The price I got quoted today was \$100. So, I want to know which one is the right price. Is it \$70 a week ago before New Year's or is it right today, \$30 higher at \$100?

Mayor Scarnecchia: (inaudible) Who quoted you the price today?

Beth Francis: The lady who is in charge of park and recreation.

Mayor Scarnecchia: She is off sick

Beth Francis: Well, obviously I was in the office today so I wrote my name

Mayor Scarnecchia: Well, I will tell you this, if you were quoted \$70, and I know that you are telling the truth, I think this time you should pay \$70.

President Marino: Well we need to follow whatever the rules and guidelines are for that cabin. I don't know. We need to follow the rules and ordinances of the city. So, what we will do

Mayor Scarnecchia: Do we have an ordinance on that?

President Marino: Well I am going to ask Terry, can you look into this for us and get back to us. At one time, there were rules and regulations regarding the scout cabin. And the reason I know is I was one of the ones involved in renovating the thing to ensure that it was only to be used for

churches, and non-profit and civic organizations, rather than just to let people have parties and stuff.

Beth Francis: I wanted to reserve it for a graduation

President Marino: Well, we will have Terry look into it, Beth, and if you want to check in the Mayor's office next week.

Beth Francis: Sure

President Marino: We will have Terry get with the mayor

Beth Francis: Okay

President Marino: Thanks Beth

Beth Francis: Thank you

President Marino: Anyone else? Wanda, your name and address for the record.

Wanda Burns: 5... rewind it...1740 Warner court, Mineral Ridge. And I have a hand out here. One of these are for Stephanie because she may have some of the answers and I will email him one. For the past couple years, my monthly utility bills have been very very inconsistent. Sometime early in that time period, I called the billing office to inquiry if there was a problem with my meter and I was told that my usage must be inconsistent. Knowing that I couldn't argue with the meter, I paid what I thought was my average use and thinking that eventually the problem would be corrected and I would either have a small balance or a small credit. My method to determine the bill came to a halt when I got a disconnection notice, this was over a year ago, and I paid the stated balance on my bill. Since that time, I have paid my stated balance of my bill every month. Well, midmonth, I strongly disagree with that amount but I paid. For example, one month this summer my bill was over \$500. So, now jumping ahead to September 26<sup>th</sup> to the October 26<sup>th</sup> billing cycle, 29 days of usage and my bill was \$118.12. That's impossible. I was still running a swimming pool pump, I still had my central air on at the time, but I thought okay now this is coming off of the \$500 and things are averaging out. Now, on that highlighted in blue, you will see the \$118.12. The next billing cycle was from October 26<sup>th</sup> through December 5<sup>th</sup>, 40 days of usage and my bill as \$221.54, that is highlighted in yellow. I found it very odd because the swimming pool pump was off and the central air was not in use. But, okay. I sold my house during this time and I called the billing office to arrange for a final reading and requested this on December 15<sup>th</sup> and they told me no problem. I gave them my forwarding address. I recently received my final bill, which is highlighted in pink. For the billing period of December 5<sup>th</sup> through December 19<sup>th</sup>, which is 14 days, yet my bill the month before was 40 days and the 14 day bill is more. Add to it, out of those 14 days, I would bet no one lived in the house for 7 of them. The new owner took possession at 9:00 AM on Friday the 16<sup>th</sup>. So I was charged for days of her use. So I called the billing office again, and I was told you used that amount. There are meters. I was upset. Truthfully, I thought this would help me accept I am no longer a Niles girl. Kinda like I'm out of there. Okay, so a couple of days later, I go online to pay

the final bill, only to find that I didn't have a user name and password anymore. So, I called the billing department and I got an awesome employee who helped me sign on as a guest and pay my final bill. I paid it and within one second of paying it, she is on the line and said "Don't pay that. Something is not right" So, she said I'm going to get back with you. And, she did. She said I am going to get a refund that they should have read it on the 15<sup>th</sup> and they didn't read it until the 19<sup>th</sup>. My point, in inspecting these invoices, is simple. Something appears to be seriously wrong with our system in either reading or invoicing these utility bills. And in addition if you will note, my water usage for a 37 day period was exactly 3000 and guess what... my water usage for 18 days, 7 of which I wasn't there, was 3000. I want to go on record that I am not faulting any employees or pointing fingers. Just simply pointing out that I convinced that there is big problem here. And I urge someone to investigate.

President Marino: Thanks Wanda.

Ms. Marchese: Am I allowed to say something?

President Marino: You sure are.

Linda Marchese: I have to agree with you. I have seen many different bills from people in our ward and everywhere else and there is something going on. I would like to ask Stephanie two things. 1.) I know it's Neptune. And I'm sure they have a director or someone who oversees their computers. I would like to see if you could contact them and make them come in and follow a meter reader for couple of hours at the end of the day and see how the meter readers are reacting. And have them go through all of the software to make sure everything is correct. Because with all of these different bills, something has to do done. If we get somebody to come in and check all of this software out, check out the guns and make sure everything is running correctly. We need to do that once and for all.

Stephanie Ford: I have not problem doing that.

Ms. Marchese: Does anyone else on council have a problem with that? To have this checked out?

Stephanie Ford: No, that is fine. (inaudible)

Ms. Marchese: Do you have any problem with that what so ever?

President Marino: No

Ms. Marchese: If you could do that. It would be okay if it was just one or two, but every time I turn around, I am having somebody complain. (inaudible) My neighbors say there has to be something going on. And I understand. (inaudible) In December, I know you were short staffed.

Stephanie Ford: I have been short meter readers half of this year.

Ms. Marchese: Okay. Do you think that it would if we asked the company to come in and reanalyze. Whatever they have to do to check them out. They should have something.

Stephanie Ford: (Inaudible) All of the electric reads are read manually. It's not like the water meters. Discussion about MIUs and AIB's (inaudible)

Ms. Marchese: Now when the meter readers come back with those guns, they come back and they are put into a computer. Am I right or wrong?

Stephanie Ford: You are correct and they are exported from the gun and put into the computer.

Ms. Marchese: So maybe the gun part is okay and something is wrong with our software.

Mr. McNaughton: Or it is human error.

Stephanie Ford: It is more human error. (Inaudible) Wanda, to get back you, your final that you had was misread and I did that final. I had your read on Friday and a read on Monday. I had both of them on my desk when I came in on Monday and I grabbed the first one not thinking it was the one from Friday. And I did the wrong read and I did correct it for you.

Wanda Burns: Yes you did. The girl did call me back. (inaudible) But still, even correcting it, my water usage truly, how did I use 3000 in 37 days and 3000 in (inaudible) days when I wasn't there for some days.

Stephanie Ford: I don't know how is happened

Wanda Burns: I am not saying that you have the answers. Again, I am not pointing fingers at anyone. I am telling you something is wrong

President Marino: What we are going to do Stephanie, call Neptune and get them up here and make sure that Ryan, the chairman of the utilities committee is aware that they are coming and then he can notify the members of council on how to proceed. Because obviously if there are more than a few in the meeting we have to do a public notice since it constitutes a quorum of a committee. So, keep in mind that. And just report to Ryan and he can let council and know. And also the mayor.

Wanda Burns: I appreciate that. That was my whole intent. (inaudible)

President Marino: Thank you

Mr. Mientkiewicz: If this does occur, and council gets a complaint, would this be privy to have them call you and you can set up a re-read.

Stephanie Ford: That's fine. Every time someone calls, the first thing we do is have the meter re-read. Because it can be a mistake on the read.

Mr. Mientkiewicz: And you get that quite often.



Stephanie Ford: Right now we do, yeah.

Ms. Marchese: We need to find the right answer for everybody. The workers, the citizens, everybody. And it might just be in our software.

Stephanie Ford: I also want everybody to realize that if you don't know how to read your meter, if it is dial one and not a digital one and you don't understand how, call us. You can read it every day and write it down and you can look at your bill and compare it that way. There are a lot of things you can do. We try to help you figure out what is going on but really we don't know. All we can do is read your meter, test your meter if you think there is something wrong with it and go by the read. (inaudible)

Ms. Marchese: We need to get, I hate to call it like a time study, and find out what is going on for a day. Even if it takes a week and get them down here and let them do that so we can see and that would settle everybody down. I don't think there is one person on council who probably can't say this hasn't happened to their bill.

Stephanie Ford: And I know there are a lot of people upset because they have 45 day bills or 40 day bills or 37 day bills, but with me having a shortage of the meter readers that I have I feel it is better to give you an actual read for 37 or 40 days than have an estimated bill. To be honest, those estimates do not come out accurate. The computer generates them either too high or too low. And then the next month, your bill is either way too high or too low. So, either way whatever I decide to do, I pretty much lose. I know no one likes a 40 day bill and no one likes an estimated bill but I would rather have an actual bill for 40 days than one that is wrong.

President Marino: Well Stephanie, you have my upmost confidence in your abilities so don't sell yourself short because you are a valued employee from where I sit.

Stephanie Ford: If anyone has a problem, call me and I will look into it and I will help you and I will try and figure it out. Light department/ water department

President Marino: There is something that you said that troubles me a tab bit and if we have employees that need retrained to ensure that they are performing to expectations, I would hope that is occurring.

Stephanie Ford: You mean with the meter reader?

President Marino: Yes and if that is not occurring, it would be my expectation that there be accountability with regarding performance.

Stephanie Ford: The ones that we have right now are very good.

President Marino: Well I don't want to get into who have and who we don't have. I think you are reading between the lines.

Stephanie Ford: What I'm saying to you is, if I have a route that I am doing and these reads are not looking right, I make them go out and get them again.

President Marino: I will not get into employment, that's separate from this. But that's ridiculous. People are paid to do a job. They need to go to work and do that job. People should not have to go back and reread meters. Do it right the first time. We are just going to let that dog rest. You understand what I'm telling you?

Stephanie Ford: I totally understand

President Marino: Thanks. Would anyone else wish to address Niles City Council? Mr. Williams, your name and address for the record.

John Williams: 150 Upland Youngstown, Ohio. I lived in Niles for about 50 years and about a year and a half ago I moved to Youngstown. And I would really like to move back to Niles but due to the condition of the meander dam and the injection well on North Main, I believe that Youngstown is a safer place to live. I would like to take a minute to talk about the problems we have with AWMS and maybe that is something that we can put our heads together and do something about. First I would like to give you a little bit of history on what's been going on there. First I would like to start with St. Patrick's Day 2011. Youngstown had its first earthquake in recorded history and everyone is befuddled. 7 more earthquakes and the people connected the dots with the injection wells. ODNR, Tom Tomastic, he is in charge of underground injection control for ODR, he denied that correlation over and over and over again. And then Oct 2011, the Vindicator finally sided with the citizens and seeing the correlation between the quakes and the injection wells. And Nov 2011, local elected called public forum at the Covelli Center with Tom Tomastic to talk about these quakes. Tom Tomastic again denied any correlation in fact he showed a presentation on how quakes are just not possible from injection wells. Believe me, the people did not buy it and left that forum very angry. December 23<sup>rd</sup> 2011, AWMS applies for a permit for another injection well on North Main street. This is after we have had like 10 earthquakes in Youngstown from these injection wells and these guys want to build one here in Niles or Weathersfield. I thought that was just a poor business decision on their behalf but anyway, they did it. The very next day December 24<sup>th</sup> 2011, NorthStar One produced a 2.7 magnitude earthquake. That was quake number 10 and AWMS decides to proceed anyway again poor business decision on their part. December 30<sup>th</sup> 2011, Gov Kasich orders a shutdown of Northstar One and an active 7 miles injection free zone from Northstar One. AWMS is 7.1 miles from Northstar One. 1/10 of a mile outside of that safety zone and AWMS decides to proceed anyway. Okay, December 31<sup>st</sup> 2011, Northstar One produces the famous 4.0 earthquake. Damage to buildings and home in the valley and no one was compensated for the damages. AWMS proceeds with their plan anyway. Again, this is poor business decision number four. Jan 2012, this is right after the 4.0, MVSD reports cracks in the walls in the building and damage to the dam. The Northstar one quake was suspect. July 18<sup>th</sup>, 2013, AWMS permit was approved and drilling and construction begins shortly afterwards. Feb 27<sup>th</sup>, AWMS requests permit to inject and a letter to Tom Tomastic, you know that guy that kept denying the earthquakes, he is the guy the permits went through.

President Marino: John you have about a minute.

John Williams: Within a few weeks, Tom Tomastic, the great quake denier, resigns from ODNR and takes a job in Oklahoma, helping them deny and regulate earthquakes. Since the arrival of Tom Tomastic in Oklahoma, Oklahoma has become the number 1 state in the USA in seismic activity. Great job Tom. And permission was given to start injecting at AWMS by Rick Simmers after Tom left. August 30<sup>th</sup> 2014, AWMS reports a 2.1 earthquake. After 3 months of injecting, September 3<sup>rd</sup> 2014, ODNR shuts down both AWMS wells, later re-permitting the shallow wells. The public learns of a 1.7 quake on July 28<sup>th</sup> 2014. AWMS (inaudible) After a few months, AWMS appeals ODNR's decision to shut down the deep quake making wells. The hearing was held at ODNR's offices in Columbus. I notified all the electives in Niles, Weathersfield, and Trumbull county commissioners asking them to please attend the meeting to oppose the re-permitting of this well. To my surprise, I was the only person from northeast Ohio to attend this hearing. I recorded it and it is on the internet.

President Marino: John, your time has expired. Sorry. Sir, please state your name and address for the record.

Dr. Ray Beirsdorfer: Geology professor from YSU speaking as a private citizen (inaudible) I also have a handout for your guys. You have probably have heard me on tv for the past 5 years now talking about all of these earthquakes and hopefully I am very careful about what I say publicly in terms of the fact. I am having John distribute a paper (inaudible) on seismically research, which I am guessing you guys don't discuss, that's a joke. These are the details about earthquakes here in Weathersfield and Niles. There is a series of 400 size monitors that started in California that sat there for two years and they made their way back. It turns out in 2014, they happened to be in Ohio. That is how we know about the 77 earthquakes. There were actually 108 earthquakes at the well here. Seems to be at the deeper wells. Series of earthquakes just below the base of the wells. Then the fluid pressure migrated about 500 meters or 5 football fields and triggered another series of earthquakes on a totally different fault. That's all in that paper I know it's a lot of technical jargon. I just wanted have that in your file. I would be more than happy at these open houses, if you wanted to have me come in and explain geology in every day terms that people understand. This is not just some rare occurrence. There were two earthquake faults in Ashtabula, two faults in Youngstown, one in Poland, two here in Niles, and the ones recently in Pennsylvania, which may be the same fault as Poland or maybe a new one. They are all happening in this ancient billion year old oceanic crust and people, well man, I am not going to say women but men are going and injecting this fluid and causing all of these earthquakes to happen. You guys now again once these start to happen, there is higher likelihood they will continue to happen. (inaudible) ODNR did the right thing in stopping it but they should have but due to some legal technicality, a judge is saying No, the people of Niles are part of a science experiment. Again, if you have these open houses and if you are interested, I'd be more than happy and come back and present to you all of the scientific data in a way that can you understand it and answer any questions so you can be educated and make informed decisions about this. Thank you.

President Marino: Thank you sir. State your name and address for the record.

Susie (inaudible)- Bradley Lane, Youngstown Ohio. Just wanted to say that I am not sure if Ted or Ginger Barrett are here tonight. Okay is it okay if...okay I am going to give it to Ted.

Ted Barrett: 101 Bentwillow Niles. I have lived at this house for 44 years. We built it from the ground up and let me tell you it is great to live in Niles. Anyway, what happened is that they put an injection well a quarter of a mile passed down from my house. Not just my house got affected but a number of my neighbors got affected too big time. What happened is three years ago, we had a flood. The earthquake happened on the 29<sup>th</sup> of December a few years ago. I had a crack on my back wall, four feet and one across of the top part. And when I got the crack in it I could fit my finger in the one section and my thumb in the other section up by the top. So this went on for three years. The insurance company came to my house and when the insurance company came to my house, he said we are not responsible for that. My lovely insurance company that I pay big bucks for. He turned around and told me he says is what happens is if I had earthquake insurance, like when you have car insurance and you get into a car accident you have to pay a \$1000 deductible. The insurance for earthquake insurance is 5 times more than that and you are talking \$5000-\$6000 that you have to pay for. But, it's an injection well that is in the back. The injection well that is in the back caused an earthquake and caused the crack. I can't prove that so I don't have a leg really to stand on. The insurance guy turned around and told me he says what happens is earthquake insurance is not covered if it is a manmade thing that caused the earthquake. My question is, I got a crack on the wall, my next door neighbor got a crack on the bottom. His wall collapsed I mean the whole basement by February came in the basement in February, the coldest month that we had last year. (inaudible) So anyhow, he had to turn around and spend \$11,000 to do that. I turned around and went and got 5 different people to come in and do mine and I got Callows to do mine for a little over \$10,000 so they came and did my basement for \$10,000. My only question is they are going to put the injection well there and it is going to open up in the next couple of days when I just got done putting into my house in the city of Niles I spent over \$10,000, what happens if it happens again? And the big thing about it is if my wall collapses, and I got three steel beams in there right now, that if I go sell my house I don't make any value from it or anything but the safety of my house, the beam that holds across the top is the whole beam, go take that beam out and go watch what happens to everybody's house inside there. I can go to that beam and pull out the block before they fix my basement. But that's the subject that I would like to ask. If our insurance doesn't cover it, we don't have a leg to stand on? Thank you

President Marino: Teddy, I don't know how to answer that. Terry, do you any... I know it is under the direction of ODNR. They have taken all of the authority away.

Terry Dull: They have taken the authority away from everyone locally and there is nothing that we can do to stop them.

Ted Barrett: I have a buddy that I was in the military with and he works for the fuel spills and all of those different things he works with that and he was telling that they are so protected from the government that they don't have a leg to really really stand on. But the thing you can look at is being in the military. I was in the military 34 years, agent orange and all those different things that we pick up from that and we don't get taken care of. And we look at this here this situation

that we have. Not one person is involved in this, the whole city and if meander gets involved in this, look out.

Mr. Mientkiewicz: Where exactly are those wells?

Ted Barrett: It's on it's on 169. If you go down North Road, where I live at, on north road up Cassandra to Bentwillow, you come out to 169. I am trying to think of the name of that little street there, you go straight out that injection well is a quarter of mile back from my house. (inaudible) If I go out to 169 and I have a golf ball, I can hit that tank and you will hear it like right now.

President Marino: Thanks Teddy. Anyoneelse?

Mayor Scarnecchia: I have a question. Is that in the city of Niles?

President Marino: No

Ted Barrett: No, what happened was it's in the city of Weathersfield.

Mayor Scarnecchia: Weathersfield

Ted Barrett: The thing about it is that I looked at it is that like he brought up a remark about our kids and everything in that area. Look at the citizens that live in Niles and we get contaminated with this here because when you look at an injection well, the stream that injection well right now if it's near a stream and that place gets contaminated, a little stream, watch what happens to Mosquito Creek coming from that injection well because there is a stream right back there with it. And watch what happens with Mahoning River and all of those different areas in that area (inaudible)

President Marino: Thanks Ted. Bob, your name and address for the record please?

Bob LaRicca: 1206 Mason ummm no it is 1131 Tripodi circle. It's really 1161 Shadowridge. The first part was for George. The second part, I read this about 3 months ago and I am just curious the more I check it. Back at the end of summer, \$2000 was spent to Summit Supply for road repair and asphalt for 1131 Tripodi circle. 1131 Tripodi circle does not exist. And I am curious to find out whether or not this was on purpose so that somebody didn't have to register something or it was an accident. If it was an accident, I don't understand how it can get paid for due to the fact that they used the wrong address. Now the real address was 1131 Shadowridge, which was just down from where I live. So, it stood out to me when I read this that \$2000 was given to Summit Supply for this and the wrong address was used. I'm curious. That is number one. Number two: What Paul Davis said was brushed off just now like it was lint on a black jacket. You be a school administrator, I want to show you a situation. I teach school and I have a make-up rule that says if you miss a test, you are given 5 days to make that test up unless you have a long term illness. Your son comes to me and says I am ready to make the test up and he has only

been absent for 3 days, I say no I changed that rule. Go check with somebody else about that. The fact that you stood out and said that you took applicants to January 6<sup>th</sup> is a disgrace. You wonder why people are the way they are in this town and I am back after a period of time and I don't believe everything everybody says. But, just for that to happen right now which was brushed off like it was nothing. If you have you have applications until January 6<sup>th</sup>, then it's your duty to take it til January 6<sup>th</sup>. How does anybody trust anybody in here? That's number two. Number three: I just looked at somebody who like was surprised that water bills are all messed up in Niles. I don't know what hole you are living in but it's been that way since I moved here and which is only three years ago. I don't even get a water bill anymore. I don't know if it's because the city building went down or what but I don't even get a bill. They just take it out of my checkbook. Okay and lastly and I don't want to start a firestorm in here but there have been a couple suggestions for the wellness center. I am not bright enough to understand all of it. I worked there a little part time but I do know that if you lease it that would be great. The other plan that is in front of you concerning the scope center is very viable. And there people that have researched that which I think might help out. Anyhow, I don't think I have beyond that. I'm glad I'm back in Niles.

President Marino: We are glad your back too Bob.

Bob LaRicca: Yeah right.

President Marino: I am glad.

Mr. Lastic: We are not brushing off Paul's statement.

Bob LaRicca: Okay

Mr. Lastic: But we also have to remember 20 years ago, we had 3200 kids in Niles.

Bob LaRicca: That's not the statement I am talking about.

Mr. Lastic: Oh

Bob LaRicca: I'm talking about the statement concerning when the application was due.

Mr. Lastic: Oh

Bob LaRicca: And Bear, while you are on that, I read so much in the paper.

Mr. Lastic: Please let me finish my statement.

Bob LaRicca: Okay excuse me.

Mr. Lastic: I would venture to say now that we are probably at 2500 kids. And 20 years ago, soccer didn't have the effect in Niles city that it has today but numbers are numbers. Paul, it's not that I disagree with that (inaudible)

President Marino: Not Paul

Mr. Lastic: Well

Bob LaRicca: Bear, while you are at that

Mr. Lastic: I don't because

Paul Davis: I disagree

President Marino: Well we aren't going to have an argument about the numbers to (inaudible)

Bob LaRicca: One last comment

President Marino: Go ahead Bob

Bob LaRicca: Umm

Mr. Lastic: You disagree about the population

President Marino: Bear

Bob LaRicca: While you are at that, in all honesty, there is no place in our immediate area that can be what it once was. Needless to say (inaudible) when I began teaching (inaudible) was the greatest city around. (inaudible) Niles is not going to be what it once was. That is such a statement that is out there and is unbelievable. But it can be better. I'm not going any further than that. People are still hoping the pool (inaudible). I remember when I went to the pool. There wasn't another pool in Niles. But anyhow, thank you for your time.

President Marino: Now concerning I'm assuming it's the employment and my asking the law director and

Bob LaRicca: I didn't say that because of the black suit (inaudible)

President Marino: No Bob, I have known you a long time. You didn't. It's all good. It doesn't bother me. I have big shoulders. I have been here a long time. Um, asking the finance chairman and law director to look into the policy and I think that is step in the right direction and it is not brushing off. I have faith in Barry Steffey to go look at the policy and go downtown with the law director and find out exactly how they complied with this policy. I have every confidence that these two fellows will bring back to all of us exactly what happened. Why it happened? How is happened? And provide facts and possible remedies to rectify things weren't in compliance with policy. Um, we worked hard over the past year with putting with putting policies and procedures in place to ensure that the sins of the past no longer occur in the future. So, if it came across as a sluffing off, I am not a sluffing off kind of guy. Anybody in this room who knows me knows I don't sluff things off. So, um and I will just leave it at that.

Bob LaRicca: How about the water bill?

President Marino: We have been fighting that fight. How many times I have talked to Stephanie about

Bob LaRicca: No, I mean getting a water bill. I haven't gotten a water bill.

President Marino: Oh

Stephanie Ford: What is. You get it taken out of your checking every month?

Bob LaRicca: Yes

Stephanie Ford: Did you sign up for ACH?

Bob LaRicca: Whatever that is. Yeah but my point is that I don't get a bill in the mail.

Stephanie Ford : Do you get it emailed to you or anything?

Bob LaRicca: No

Stephanie Ford: What is your address?

Bob LaRicca: I did get a bill until I think about the time the city building went down.

Stephanie Ford: Okay, what is your address? Because I will.

Bob LaRicca: I'm all confused now. 216 Ohio?

President Marino: Bob...bob

Bob LaRicca: Excuse me

President Marino: Bob

Bob LaRicca: 1161 Shadowridge Niles, Ohio 44446

President Marino: Thank you. Anyone else wish to address Council? Your name and address for the record please.

Janes Spees: Hubbard, Ohio

President Marino: We need your address ma'am.



Jane Spees: Okay 231 Christian Ave. I want to talk about the earthquakes and the possible re-opening of the injection well. There was an associated press story today (inaudible). I believe that there are there is a lawyer for ODNR and the company to put in your plan to start the well. But as far as I know it is conditional on (inaudible) That well should not open. It already, I'm looking at ODNR's argument that they made in a court case. They made an excellent argument that in order to protect the public health and safety of the community, that well should remain closed and it has been closed for over 2 years. The problem with the well is that it already caused in the neighbor of 108 tremors, 6.1, 1.7 and all of the tremors plus it's already caused earthquakes. You may think well why do we care about the small earthquakes, because the small earthquakes lead to larger earthquakes. If you look at the Northstar well, 4.0 that was proceeded by a 2.7 smaller magnitude earthquake. The other thing is smaller magnitude earthquakes can cause damage. (inaudible) The largest one they had was a 5.8, I believe that's well related. We have had a 5.0 injection well related earthquake in Painsville, Ohio. We have already had a 4 in Northstar. ODNR made their excellent argument that this well, this well here, may be on the same activated fault that caused the 4.0. Dr. (inaudible) of Columbia University at one point said that have we, and I might not have quote exactly right, have we continued injections at the Northstar well, that there was a chance of potential large earthquakes. So following ODNR argument, this well should remain closed to protect the public health and safety. I'm wondering if your council or your law director will write a letter in support. Maybe (inaudible) saying that we have a duty to protect public health and safety. And you do have more power than I think you think. Local control division is not decided by the (inaudible) I'm wondering if you might write to Gov. Kasich and ODNR and stand your ground in that case and to continue to keep it closed down due to public health and safety.

President Marino: Thank you. Ms. Cantola, your name and address for the record.

Amy Cantola: 208 Vienna Ave. I have some questions about the meter reader (inaudible)

President Marino: Go ahead

Amy Cantola: Okay anyway and I don't know if there and Mr. Depasquale's not here and I don't want to put everything on you. Um, how many homes... do you know how many homes a meter reader reads in a day approximately?

Stephanie Ford: In a day?

Amy Cantola: Yeah like the actual reads because I know you say you have estimates that you don't know.

Stephanie Ford: It depends how many are in the route. Um, it's split up into routes and then in batches.

Amy Cantola: Okay

Stephanie Ford: So it's 250 plus a day.

Amy Cantola: Okay

Stephanie Ford: Some of the routes are half days and they do two half days in one day.

Amy Cantola: Okay they work like 8 hours then?

Stephanie Ford: They work 8-4.

Amy Cantola: 8-4 they work okay. Um, you were saying about like some of the readings aren't accurate could be the fault of the meter readers?

Stephanie Ford: Uh huh

Amy Cantola: Have you noticed any certain area maybe that the meter reader... do they keep the same area? And I'm

Stephanie Ford: They all have the same area that they read.

Amy Cantola: Okay. I didn't know maybe if it was just jacked

Stephanie Ford: No, they are not switched around. They are all assigned to a certain route, the same ones every month.

Amy Cantola: Okay. My other question is is there a policy for hiring a meter reader? I know we are going to check on it but is there an actual policy?

Mayor Scarnecchia: There is a policy for hiring anybody in the city. Yes.

Amy Cantola: Wouldn't it be different for each job though? I mean, (inaudible) you have a policy for one position and that policy might not be the same

President Marino: Amy, there is a difference between job description and job responsibilities and the process of actually employing someone.

Amy Cantola: Okay

President Marino: So, we have an employment policy relative to advertising, (inaudible) etc, the expectations for the billing positions, you know, the (inaudible) to do a linesman's job

Amy Cantola: Right

President Marino: Might be a little different than a meter reader job. Is that?

Amy Cantola: Yes, speaking of, are we taking any applications for any other positions?

President Marino: Well, moving forward because of the recovery plan, any vacant positions that occur from this moment forward must be presented to the finance committee with the justification for filling the position. It is then the finance committee's responsibility to determine whether that position will be funded or defunded. Because many times and I'm sure my colleagues agree, we need to try and right size and begin adjusting our work force.

Amy Cantola: Right

President Marino: I believe very strongly in the labor pool concept and being able to collect some employees and there are some that vehemently disagree with me on that.

Amy Cantola: Is that policy on-line anywhere, do you know mayor?

Mayor Scarnecchia: I think it is on-line.

President Marino: It is.

Amy Cantola: Is it? Okay. Alright. Thank you

President Marino: Renee to the rescue. Anyone else? Mr. Joseph, your name and address for the record.

Mark Joseph: Thank you. 1227 North Rd. Niles Ohio. I just got a few questions. For me, this has been a great meeting for me listening to a lot people talking about the injection wells. Mine is a lot lighter than any of that. Um, I came back into town about 3 years ago, 3-4 years ago to do my rehab and I've a lot of friends here, just a ton of friends here. And I hear a lot of different conversations about issues that I have seen with Niles since I have left and I haven't been in town in 40 years. So, I left before that tool shed was built at Waddell Park and all of the mishaps that we have done. But so I have heard different comments from various friends and their explanations on why on all of these things occurred and I guess I really wanted from your mouths. I want to know and that wellness center, I don't want to talk about that, I could talk for hours about how terrible that thing is. But Waddell Pool, I understand that it was remodeled. I also understand that it hasn't been open in I have been here, I have been moving around living in Frank's ward for a few years and it has never been opened. So, one of my questions is we're starving for money and that pool has been closed. So, I've been in business for a long time, I've done a lot of that stuff. I'm curious what are we doing with that pool? (Changed Tape) If you are going to have it fenced in, do something with it. I don't understand why we fenced it in. What is the whole logic behind it? I don't get it. I don't get the benches that were put out in that park. Why? I mean, it's not, no offense to anyone really, you nailed it, what are doing for our children? Nothing. But, so why do we build benches that are in honor of people blah blah blah. I mean, I don't know. I go to that park. I miss that park. I don't see anybody sitting on those benches. I'm curious why we did that. So please, like I said I came here 3 years ago, I need to learn this stuff so I can either settle down or deal with it or get even madder because of our decisions. And trust me, I'm not looking to point fingers. I am not looking to throw stones. I just want some information. Why is that pool not open? What's it used for? Why did that bench get built? Why did we take away that festival? Then, Eastwood Mall has a little festival every year. That little

tiny thing. Why couldn't we move that out to the park? Is it ours? I mean, it's on our side of 422 right, I mean I don't know. I don't understand the zoning there. We got that other side of park, that other side of the pool that is wide open and we don't use it for anything. (inaudible) Why not have that little festival there? So, I am sorry. I sound a little sporadic. But I would like to know about the pool. I would like to know about the fence. I would like to know if we are going to do something for a little festival back to Niles so the kids can do something in the summertime. Um, Mr. Marino, thanks for listening.

President Marino: It seems like I have to answer every question that's ever asked in this town for some reason.

Mark Joseph: I'm sorry but I

President Marino: (inaudible) I get it.

Mark Joseph: Those are my questions

President Marino: The pool was closed several years ago for financial reasons and the condition of the pool itself. The pool never really ever made money, Mr. Joseph. It always cost us money and we became financially strapped.

Mark Joseph: Even when we were kids? I am sorry.

President Marino: No. No. This is in recent times.

Mark Joseph: Okay

President Marino: It has not been remodeled. There was a grant secured and the administration made the decision not to open it this year, re-evaluate it in future years relative to re-opening the pool. (inaudible) number of questions regarding that. The fencing- I don't know is the long and short of it. I would assume that some of that might have been at the request of some of our youth groups out there. A lot of folks provide donations to go see football games but it's not closed. You can go in and out of that back ball field so I'm assuming for people who stand there and collect donations to help fund little red dragons and I forget your last question.

Mark Joseph: Well actually it was kind of a side question. But it was that little festival.

President Marino: Oh the festival. That is not, to the best of my knowledge, a city function. It was its own little group that they used to buy Christmas decorations. (inaudible) Tom?

Mayor Scarnecchia: I can address the festival. It was a festival and I was in charge of it for 4 years when I was safety director. (inaudible)

Mark Joseph: You know I love you mayor. I just said it was your fault.

Mayor Scarnecchia: The original festival, it made money and when my boss, the mayor then when he got beat, then we bought equipment for the parks with all of the money that was made. It was a great thing. I want to address one thing- the benches. I am tired of seeing these benches too. You know, the wooden ones. The former administration, that was a for profit. He had a relative that built them and sold them and that was for profit. And some of them look like they are ready to go and fall over and I don't know who is going to take care of them. They should either be painted, torn down or something.

Mark Joseph: Now it's become a maintenance nightmare and we don't have any money for the park.

Mayor Scarnecchia: Right. So, that answers your two questions. Councilman Marino did the best part. (inaudible)

President Marino: God gave me two ears and one mouth. This is perfect opportunity for me to practice that. Anyone else wish to address Niles City Council? George, your name and address for the record.

George Kuriatnyk: 1206 Mason, Niles, Ohio. Can I pass these out?

President Marino: Go ahead.

George Kuriatnyk: Here's for the mayor. Make sure you give your buddy one. And here you go Mr. (inaudible).

President Marino: Okay George.

George Kuriatnyk: Okay. I am going to talk about that after. I am going to comment on a few things. Where are we at here? Meters, you said 250 they do a day, the meters.

Stephanie Ford: Roughly.

George Kuriatnyk: And there are 4 readers?

Stephanie Ford: Normally when we have all of them, there are 5.

George Kuriatnyk: Okay, let's say four so that's 1000 a day. 5000 times that's 20,000 a month. And Jim told us they only do 17,000 meters. They only read 17,000 meters a month. So

Stephanie Ford: I don't know.

George Kuriatnyk: Is that right or wrong?

Stephanie Ford: I'm just estimating. It could be a little less. Some of the bills take them three days to read because there is over 500 (inaudible)

George Kuriatnyk: (inaudible) Okay let's say you have 200 and you got 5 like you said, you would still end up with 20,000 at the end of the month. Let's take 3000 off because you are that far off.

Stephanie Ford: Uh huh

George Kuriatnyk: That's 17,000 meters. (inaudible) Can I bring in a couple videos into you tomorrow?

President Marino: George, stick to the question.

George Kuriatnyk: Okay. Well I would like to show her what the meter readers do all day. Okay.

President Marino: George. George.

George Kuriatnyk: Is that fair?

President Marino: Stay focused on me, George. George.

George Kuriatnyk: Alright. I am just letting you know. Also the meter readers, do they use their car...their personal car?

President Marino: They do.

George Kuriatnyk: Okay um. Do they have? If they get into an accident, whose problem is that? The city or them?

President Marino: We have a vehicle use policy in effect now. Um, George, I don't know off the top of my head. I don't know.

George Kuriatnyk: Here is the reason why because I was told by an insurance adjustor if they're using those cars for work and there are not commercial plates and they get into an accident, they are not covered. And I mean that's kinda big. I doubt very much they got commercial plates on those cars even though (inaudible)

President Marino: I will ask John to check with our insurance carrier to see about our vehicle use policy in relation to liability.

George Kuriatnyk: Okay and then the park. I called 3 times to try and get dates and times I want to use this summer. I get no call back and the last time I was told to come to city hall and you know what happened. So Mr. Mayor, what do I do?

Mayor Scarnecchia: (inaudible) Let me look into that. I know that the secretary upstairs had an operation and she will be back I think next week. And she does book everything.

George Kuriatnyk: How am I going to get (inaudible)

Mayor Scarnecchia: I can't speak for him but I will talk to him tomorrow. I will.

George Kuriatnyk: Okay because other people will get the dates and I'm going to be left out.  
(inaudible)

Mayor Scarnecchia: That's fair enough.

George Kuriatnyk: Okay and on the agenda, you are guys are talking about a raise for the water supervisor. Isn't the water department in the hole?

President Marino: Uhh

George Kuriatnyk: Don't they owe the general fund a million dollars or something like that. How much do they owe?

President Marino: John, do you want to talk about that? The water doesn't owe the general money.

Auditor Merlo: The water... there is a deficit in the water fund. There was a deficit that the general fund did do years ago.

President Marino: Right.

Auditor Merlo: to the water department.

George Kuriatnyk: Right now. Right now

Auditor Merlo: They cannot afford to pay back the general fund.

George Kuriatnyk: But they do owe it?

Auditor Merlo: At some point, they will.

George Kuriatnyk: Okay so then I expect council to vote that down, no raise, because they are already in the hole, correct? Council?

Inaudible

Auditor Merlo: Over a million dollars:

George Kuriatnyk: They are talking.

President Marino: No, go ahead. I was getting some information to make sure that... I don't have all of the answers, George.

George Kuriatnyk: I know. I got pretty much (inaudible)

President Marino: I know.

George Kuriatnyk: Okay. Let me go back to the papers that I passed out. Mr. Marino, if you remember that I told you last week that I wasn't supposed to be here?

President Marino: Yeah.

George Kuriatnyk: I was supposed to be in Florida. I cancelled my flight to come here. So, if people want to say that I don't care about this city and it's personal, it should be personal for everybody in this city that what's going on. And this administration for the past year, I think the last administration they got indicted for some of this. And those papers, I was told by the firm, legal firm that represents me, to make sure that I give you guys all copies, it's on tape that you got them, I hope that it's in the record in the whatever you guys do up there. Because when I come back from vacation, if the park director and this service director Mr. Mayor does not resign, I am filing. I went to Trumbull County Prosecutor and he saw all of the evidence I got. I didn't wake up yesterday and start this. Mr. Marino, since December 2<sup>nd</sup> 2012 okay and after looking at 20% of the evidence I showed him he said that's all you need. You got to file the charges. (inaudible) Mr. Marino, this city is in bad shape. Mr. Mayor, you are held accountable for this.

President Marino: Okay.

George Kuriatnyk: (inaudible)

President Marino: Alright George, your time is up.

George Kuriatnyk: So, can I say one more thing? One more thing.

President Marino: It's up, George. It's up. All I will say regarding any investigations in working with law enforcement. I have worked very closely with state auditors, the financial investigators, and the fiscal supervisors regarding this city. Said it once, I have said it million times in 11, 12, it was myself and Mr. Papalas that called them in here. And this is where we are at. So I have complete faith in our state auditor. I have complete faith in his team and all of the things they are doing. And I have complete faith in our Attorney General, Mr. Kasaris, who I have had the opportunity to meet with. So any and all actions regarding that I will rely on them. If it is a matter of local concern, I will rely on our police chief and the police department. Um, beyond that, I can't and I will not say anything else. So, we are going to leave it at that.

(Inaudible)

President Marino: That's it. That's it. That's it. Anyone else? Anyone else? In the opinion of the Chair, there being none, next order of business is Committee Reports? There being no committee reports, will the clerk please present tonight's legislation?



**COUNCIL COMMITTEE REPORTS**

None

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. \_\_\_\_ (Draft No. 1-17)**

**AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO SOLICIT STATEMENTS OF QUALIFICATIONS FROM INSURANCE BROKERAGE FIRMS TO ENABLE THE SELECTION OF AN INSURANCE BROKER FOR THE CITY'S PROPERTY INSURANCE; AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE SELECTED BROKERAGE FIRM; AND, DECLARING AN EMERGENCY**

Mr. Steffey: This gives us an opportunity to shop around for insurance and potential savings for (inaudible). And, that's it.

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Rules are suspended.

It was moved by Steffey, seconded by McNaughton to adopt this Draft No. 1-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 1-17 has been adopted on the 4th day of January 2017.

**ORDINANCE NO. \_\_\_\_ (Draft No. 2-17)**

**AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR MASONRY REPAIRS TO THE ADMINISTRATION BUILDING; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Rules are suspended.

It was moved by Steffey, seconded by Pezzano to adopt this Draft No. 2-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 2-17 has been adopted on the 4th day of January 2017.

**ORDINANCE NO. \_\_\_\_ (Draft No. 3-17)**

**AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR INTERIOR IMPROVEMENTS TO THE ADMINISTRATION BUILDING; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Rules are suspended.

It was moved by Steffey seconded by Pezzano to adopt this Draft No. 3-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 3-17 has been adopted on the 4th day of January 2017.

**RESOLUTION NO. \_\_\_\_ (Draft No. 4-17)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM VARIOUS UNAPPROPRIATED FUNDS TO VARIOUS ACCOUNTS TO PROVIDE FOR PAYMENT FOR THE MASONRY REPAIRS AND INTERIOR IMPROVEMENTS FOR THE ADMINISTRATION BUILDING; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Rules are suspended.

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 4-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 4-17 has been adopted on the 4th day of January 2017.

President Marino: Terry, Giovanna and I were up here talking. Would it be authorizing the auditor or the safety service director to enter into this since its under his office?

Auditor Merlo: We are talking about FMLA

President Marino: Yeah number 5

Terry Dull: Yes, we should substitute auditor for that.

President Marino: Okay we need a motion to amend the ordinance to read authorizing the auditor to enter into contract since it's his office.

It was motioned by Steffey, seconded by McNaughton to amend the agenda and the ordinance to read " authorizing the auditor to enter into contract.

Motion carries.

**ORDINANCE NO. \_\_\_\_ (Draft No. 5-17)**

**AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO CONTRACT WITH "FMLA SOURCE FOR FAMILY AND MEDICAL LEAVE ACT (FMLA) COMPLIANCE; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Rules are suspended.

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 5-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Amended Draft No. 5-17 has been adopted on the 4th day of January 2017.

**RESOLUTION NO. \_\_\_\_ (Draft No. 6-17)**

**A RESOLUTION AUTHORIZING THE AUDITOR TO EXECUTE A LETTER OF ENGAGEMENT WITH THE ACCOUNTING FIRM OF JULIAN & GRUBE TO**

**PERFORM A FINANCIAL STATEMENT COMPILATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Rules are suspended. Motion to adopt.

It was moved by Steffey, seconded by McNaughton to adopt this Draft No. 6-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 6-17 has been adopted on the 4th day of January 2017.

**RESOLUTION NO. \_\_\_\_ (Draft No. 7-17)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM VARIOUS UNAPPROPRIATED FUNDS TO THE TECHNOLOGY ACCOUNTS OF THE WATER, LIGHT, SEWER AND STREET FUNDS TO PROVIDE FOR PAYMENT FOR THE INSTALLATION OF GPS SYSTEMS FOR CITY-OWNED VEHICLES; AND, DECLARING AN EMERGENCY**

Mr. Mientkiewicz: Just to reiterate, this is for the GPS system for the city owned vehicles. Um, they went out for RFP in I believe October. Last month, we passed an ordinance to enter into an agreement with Verizon company and today we are going to... it is my intent to suspend the rules so that we can get these in place as soon as possible.

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Motion to adopt.

It was moved by Mientkiewicz, seconded by Lastic to adopt this Draft No. 7-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 7-17 has been adopted on the 4th day of January 2017.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 8-17)**

**AN ORDINANCE AMENDING THE AUTHORIZED WORK FORCE ORDINANCE TO ADJUST THE SALARY OF THE WATER AND SEWER SUPERINTENDENT; AND, DECLARING AN EMERGENCY**

It was moved by McNaughton, seconded by Mientkiewicz to a first reading.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 8-17 has been given its first reading on the 4th day of January 2017.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 9-17)**

**A RESOLUTION APPROPRIATING FUNDS RETROACTIVELY FROM DECEMBER 30, 2016 FROM THE UNAPPROPRIATED GENERAL AND STREET FUNDS TO SUPPLEMENT WAGE ACCOUNTS IN THE INCOME TAX AND STREET DEPARTMENTS; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

Motion to adopt.

It was moved by Steffey, seconded by McNaughton to adopt this Draft No. 9-17.

**YEAS: 6    NAYS: 0    NOT PRESENT: 1 (Papalas)**

This Draft No. 9-17 has been adopted on the 4th day of January 2017.

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

**MISCELLANEOUS REMARKS**

President Marino: (inaudible) Nikki, we would like to welcome you to council. We are very grateful that Lori is coming and offering assistance. Um, good luck taking all of these minutes tonight. I have no comments.

Mr. McNaughton: Happy New Year

Ms. Marchese: Happy New Year and have a safe new year to everyone.

Mr. Mientkiewicz: Just real quick. I hate to beat a dead horse but it seems as though a few of the public comments were insinuating that this whole meter reader hire policy thing is over council's head and going in one ear and out the other. And that is not true at all. And it is taken very seriously not only by myself but also by other members of council. I can assure you that there was been in the last week regarding this position, multiple phone calls, emails, face to face conversations regarding proper hiring procedures and council's expectations to make sure those procedures are in place and are present during any any employment hiring. It seems to me as though the problem, Mayor, lies within the administration. And, moving forward as Mr. Marino said, we expect those practices to take place. And if a job is posted in the city and it is expected to go and be posted in house so union members bid on that job then so be it. But then when it goes to the public, we expect it to be posted in a timely manner. We expect the posting to stay open until the closing date, and we expect interviews to take place, formal interviews, applications to be accepted and we expect the administration to use their best judgement and hire the most professional, competent and qualified candidate. So, this is a very serious matter and I hope that clears up the air with any confusion that this might be going over the head of council because it is absolutely not. For the record.

Mayor Scarnecchia: Councilman to my knowledge, what you said, that the procedure we are following.

Mr. Mientkiewicz: Mayor. Mayor

Mayor Scarnecchia: You are shaking your head. Tell me why.

Ms. Marchese: It wasn't followed. I mean I know, I can say the same thing as Mr. Marino (inaudible) I put it on my site for them to come put an application in to find out that the position has been filled. That's a little bit upsetting to everybody.

Mayor Scarnecchia: I just want to talk about what I know about that position okay. I know it was posted and I think one of the persons that applied was interviewed the way we do the proper way.(inaudible) Service director, myself, and the department head. And this person is well experienced. It is a former employee. It's a woman, is it not? Am I right? She is well experienced and we don't have to train her. It will save us money in doing this. And she was hired so.

Mr. McNaughton: Mayor, can I ask a question?

Mayor Scarnecchia: Certainly you may

Mr. McNaughton: Did you just admit that you interviewed people for a job that is still posted?

Mr. Marchese: Tom

Mr. McNaughton: Please tell me you didn't that just say that you conducted interviews for a position whose job posting is still active. Did I just hear that?

Mayor Scarnecchia: You know what the safety service director handles the dates of postings

Mr. McNaughton: I don't care sir. I am just going by

Mayor Scarnecchia: I don't know. I don't know if it is still posted. All I know is that the department head and the director both knew that this person was well experienced in the job and we will save money.

Ms. Marchese: Tom, let me explain something to you. First of all, it got posted in house...in house for any union person that would like to leave their job and move to another job.

Mayor Scarnecchia: Yes

Ms. Marchese: Nobody accepted that position and nobody moved forward, then it goes on line to the public with a date. The date is the 6<sup>th</sup>. I believe it is the 6<sup>th</sup>, this Friday. So as long as the city building is open until 4:30 on Friday, nobody should have been hired. Nobody should have nothing until all of the applications were in. You went through an interview process and then (inaudible) Everybody deserves a chance. I as a council person, put it out there to let people know that you were hiring. Now, we look like fools.

Mayor Scarnecchia: I will take the responsibility because I did not know the dates. I knew it was posted but I didn't know the ending date. However council woman, I want to tell you this. I will take that responsibility because when they brought in the former employee that is that they both wanted to hire because she is experience and it would save us money in training, I was all for it.

Ms. Marchese: Tom, is that fair to say to 200 people that put their application in?

Mayor Scarnecchia: I did not see the applications.

Mr. Steffey: Mr. Mayor, I think what my colleagues are trying to stress to you and I say this with all due respect, that these policies that we have pushed for and that you have embraced have to be followed. They cannot be changed. And if you wait a certain amount of time so that the union workers had an opportunity to bid on it, then certainly you should have waited until the expiration of the posting

Mayor Scarnecchia: (inaudible)

Mr. Steffey: Please let me finish.

Mayor Scarnecchia: Go ahead

Mr. Steffey: That would make sure that the private sector had their opportunity at that job. I understand that someone highly qualified was hired for that I am thankful but it shouldn't have been until after the expiration of the posting.

Ms. Marchese: Exactly.

Mayor Scarnecchia: Excuse me but was this person hired and is she working?

Stephanie Ford: No

Mayor Scarnecchia: No

Mr. Steffey: Was she told she was hired?

Mayor Scarnecchia: She was told that she was hired.

Mr. Steffey: That's what we mean.

Inaudible

Ms. Marchese: That's wrong. Until you got all of the applications and had a chance.

Mayor Scarnecchia: Well you know I'm sorry.

Ms. Marchese: I know but it's not going to do anything.

Mr. Steffey: We really have to live within these policies to make sure that (inaudible)

Mayor Scarnecchia: We will not hire that person. We will wait until next week. I don't know what the date is but.

President Marino: Hang on. (inaudible) that job was not posted until councilman Mientkiewicz asked last week. Is that not correct, Steven?

Mr. Mientkiewicz: That is correct.

President Marino: You asked at the round table if the meter reader job was posted on the computer. And at that point, it was not.

Mr. Mientkiewicz: It was not.

President Marino: So, um, Barry I still want

Mr. Steffey: There will be follow through.



President Mario: I want a report to council in detail so that there is no... we have facts on how the policy was or was not followed. And as quickly as you and Terry can get that accomplished I would appreciate that. Okay, Steven anything else?

Mr. Mientkiewicz: That about sums it up.

Mr. Pezzano: I echo what my colleagues say but however, I would like to recognize the street department for taking care of some issue on 422 today. And thank the chief for coming to my block watch (inaudible) and happy New Year. Thank you.

President Marino: Barry


Mr. Steffey: I move that council adjourn into executive sessions pursuant to the Ohio Revised Code section 121.22 to discuss compensation of employees.


It was moved by Steffey, seconded by Mientkiewicz.

President Marino: Council is adjourned at 7:36 PM

**ADJOURN**

It was moved by Steffey, seconded by Mientkiewicz to adjourn the meeting.

  
\_\_\_\_\_  
Nicole Bacak, Clerk of Council

  
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ROBERT MARINO, JR., President of Council