

COUNCIL MEETING MINUTES
September 20, 2017

Niles City Council held its regular meeting on September 20, 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:

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

Motion to excuse Mr. Lastic due to personal illness was made by Marchese, seconded by Pezzano.

Motion carried.

It was moved by Papalas, seconded by McNaughton to accept the Minutes from the September 6th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Squire, Patton, Boggs

Fiscal Officer Certificates- Bonds for the city

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

FROM – Auditor's Office

Statement of Cash from Revenue and Expense – August 2017

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

George Kuriatnyk: 1206 Mason St. We have a figure of \$249,000, I believe, for the park levy. In the updated park levy. Is that right? That was going to run the parks? That was how much money that was coming in. Was it \$240,000?

Auditor Merlo: \$249,000 is what's being brought in from the park levy. Estimated.

George Kuriatnyk: Okay because then I saw another figure said that \$190,000. That's all it was bringing in.

Auditor Merlo: I'm not sure where you got that number from.

George Kuriatnyk: It was on one of your files that you sent me.

Auditor Merlo: Bring the file in and I can look at it for you.

George Kuriatnyk: Okay.

Auditor Merlo: To make sure that you're reading the right line.

George Kuriatnyk: The reason why is we go from, since last year, we spent over \$400,000 to run the parks. And all of a sudden we go from \$400,000 to \$250,000. Where do we save that \$150,000 at? Where's all that? How are they doing it on \$250,000 and we couldn't do it on \$400,000?

Auditor Merlo: I don't understand your question George?

George Kuriatnyk: Park's always had \$400,000.

Auditor Merlo: The park budget is at \$350,000 this year.

George Kuriatnyk: Okay it always had \$400,000 the last five years that I checked. One year it was \$388,000 and some change.

Auditor Merlo: Okay.

George Kuriatnyk: And they said they needed that to run the parks but yet you guys took the money off of them because it was going to run on the levy, which you say was approximately \$240,000. \$242,000/\$249,000. What I'm saying is where? Why is it so low? Why does it go from \$400,000 to \$249,000? Where's the savings? I mean what are we not doing to save that money?

Auditor Merlo: The budget's \$350,000, George, it's not \$240,000.

George Kuriatnyk: Alright I'll send. I'll bring the papers in because I got \$249,000 that you took that money off. It was \$424,000.

Auditor Merlo: Correct.

George Kuriatnyk: When you said you were going to take the money off.

Auditor Merlo: We reduced it because of the labor pool.

George Kuriatnyk: Right.

Auditor Merlo: And then we increased it at the last council meeting because that was insufficient.

President Marino: Right.

George Kuriatnyk: Okay. Well, I wasn't at the last council meeting. Because I relied on the video which had no sound so that didn't work out. And one question. Mr. Mayor, if they call you to go look at a building.

President Marino: George.

George Kuriatnyk: Please let me go with you. No, I'm saying. I'm not saying nothing bad. I'm just saying that remember he's the one that voted yes to give them the money, the \$30,000. And for him to insult you like that, I know what.

President Marino: Alright. Alright. Thanks George.

Mayor Scarnecchia: There was no insult, George.

George Kuriatnyk: Yeah he did. Yes he did.

President Marino: Thanks. Alright.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 112-17)

AN ORDINANCE AUTHORIZING THE TREASURER TO ENTER INTO AN AGREEMENT WITH BRINKS COMPUSAFE SERVICE; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Mientkiewicz to give a third reading to Draft No. 112-17.

YEAS: 6 NAYS: 0

It was moved by Papalas seconded by Steffey to adopt this Draft No. 112-17.

YEAS: 6 NAYS: 0

This Draft No. 112-17 has been adopted on the 20th day of September 2017.

RESOLUTION NO. ____ (Draft No. 113-17)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED CAPITAL PROJECTS FUND TO CAPITAL PROJECTS GRANT ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 113-17.

YEAS: 6 NAYS: 0

This Draft No. 113-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. ____ (Draft No. 116-17)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE A BACKHOE AND A CARGO VAN FOR THE WATER DEPARTMENT; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Mientkiewicz to give a second reading to Draft No. 116-17.

YEAS: 6 NAYS: 0

This Draft No. 116-17 has received its second reading on the 20th day of September 2017.

ORDINANCE NO. ____ (Draft No. 117-17)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE A PICK-UP TRUCK FOR THE SEWER DEPARTMENT; AND, DECLARING AN EMERGENCY

It was moved by McNaughton, seconded by Pezzano to give a second reading to Draft No. 117-17.

YEAS: 6 NAYS: 0

This Draft No. 117-17 has received its second reading on the 20th day of September 2017.

ORDINANCE NO. ____ (Draft No. 118-17)

AN ORDINANCE AUTHORIZING THE PURCHASE OF PICKUP TRUCK FOR THE LIGHT DEPARTMENT THROUGH THE STATE PURCHASING PROGRAM; AND, DECLARING AN EMERGENCY

It was moved by McNaughton, seconded by Mientkiewicz to give a second reading to Draft No. 118-17.

YEAS: 6 NAYS: 0

This Draft No. 118-17 has received its second reading on the 20th day of September 2017.

RESOLUTION NO. _____(Draft No. 130-17)

A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by McNaughton to adopt this Draft No. 130-17.

YEAS: 6 NAYS: 0

This Draft No. 130-17 has been adopted on the 20th day of September 2017.

RESOLUTION NO. _____(Draft No. 131-17)

A RESOLUTION ALLOWING THE SERVICE DIRECTOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE EASTGATE REGIONAL COUNCIL OF GOVERNMENTS (EASTGATE) FOR STREET RESURFACING; AND, DECLARING AN EMERGENCY

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

Mr. Mientkiewicz: Is this for 2020? When is this for?

Mr. Robertson: Possibly 2019.

Mr. Mientkiewicz: 2019.

Mr. Robertson: It's possible.

Mr. Mientkiewicz: Okay.

Mr. McNaughton: And idea when we might know if it's possible?

Mr. Robertson: Maybe the beginning of next year or later this year.

Mr. McNaughton: Thank you.

Mr. Mientkiewicz: And Kevin, this aligns with your street resurfacing plan that you presented?

Mr. Robertson: Yes.

Mr. Mientkiewicz: Okay good.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by McNaughton to adopt this Draft No. 131-17.

YEAS: 6 NAYS: 0

This Draft No. 131-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. _____(Draft No. 132-17)

AN ORDINANCE SETTING A RATE FOR SEWAGE TREATMENT SERVICE IN WEATHERSFIELD SEWER SUB-DISTRICT NO. 2, METROPOLITAN SEWER DISTRICT FOR RESIDENTS OF McKINLEY HEIGHTS; AND, DECLARING AN EMERGENCY

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

Mr. Mientkiewicz: I have a quick question. Now this is for, this is because these residents don't receive our water so we have to set a flat sewer rate.

Mr. Stredney: Yeah what it looks like is most of these residents have well water so they're not purchasing water from anybody. So years ago, we had a flat rate established and that's how the city agreed to charge them years ago. All we're doing is looking at reinstating that fee and then we're asking the rate study to take a look and assess how we should move forward.

Mr. Mientkiewicz: Okay because my next question where I was going with this was is that fee high enough? Because I know that a lot of my constituents pay a higher sewer bill than \$25.00.

Mr. Stredney: I agree. But I feel we should just get back to where it was, where the last known I can see what it was, and then we're going to let we're going to ask the rate study to take it into consideration.

Mr. Mientkiewicz: It will be considered in the rate study.

Mr. Stredney: Yeah and that should be done by the end of the year, beginning of January, end of December, beginning of January so.

President Marino: Well I have several questions and I wish Stephanie were here to be able to answer them for me because I ask often at council meetings how things are going in the billing office. So, my question is when did we learn that we weren't billing in Weathersfield Township?

Mr. Stredney: Can I just speak of when I learned of it?

President Marino: Well, when did you learn of it?

Mr. Stredney: Approximately 6-8 weeks ago, it came to my knowledge. An employee that works for the city told me and told the Mayor. Upon learning that, consulted with the law director and Giovanne. From there, we went and verified that this is in fact happening. We sat down with the employee some more to try to understand what it is that we're missing and what and how it slipped through the cracks. We went back and to educate myself. It looks as if our first software system was called MSL. When we upgraded to what was called Cogsdale because this wasn't tied to a water rate, for one reason or another, it dropped off. Whether people knew about it then or not, it was never put back into the software. So when we updated to what is now CUSI, it would have never have carried over because it was never in Cogsdale to carry over. So, when we're looking through CUSI at, you know, 123 Smith St. who has well water in Weathersfield Township, obviously they're not going to get a sewer bill because it never carried over from Cogsdale to CUSI. Looking back to see then if we can go ahead and reapply this charge, there's a question as to where the legislation would have been passed to give us the authority to charge this. We find all the contracts. We find everything else pertaining to this Weathersfield district that the county built, the county is assessing the people pay for it. We couldn't find the corresponding legislation to pay for it. So, we can to council to ask for the \$25.00 fee. That's the nit and gritty of the story. I don't know if that answered your.

President Marino: Well interestingly enough under the previous administration, I know Jeanne and others, spent extraordinary amounts of time going through looking at bills. They were stopped for whatever reason by the previous administration progressing on that. As everyone is well aware, the state auditors were called in because of myself and Steve. We had a long relationship with the state auditors so when I read the paper on vacation, my blood began to boil over this because on February 14th, 2015, I sent emails regarding these very kinds of issues. And,

I hate bore all of you but I'm going to read a couple lines out of the emails that I sent to the state auditors, the Mayor, Steve was copied on these emails, regarding this bill office. Because the saga of billing errors continues to this very day, this was to April Strickland in the state auditor's office, do you and/or your team plan to conduct a more exhaustive audit evaluation of the Billing Office for the 2013 audit? Specifically what I was interested in were the accounting procedures used in computing consumer bills, ensuring all customers in our service area are accounted for in the system, ensuring all customers in our service area are properly invoiced based on the City's utility rate, accounting for the revenue collected by the private firm responsible for delinquencies. So the auditors took this request, which I submitted on behalf of city council because I act on your behalf as well, they submitted this to the billing manager, who was at that time I believe Stephanie. So, I don't know if it was an administrative oversight. I don't know if it's incompetence. I don't know what it is but what I do know is the comedy of errors in that office is nauseating. And to this very day, here we are once again with another embarrassing situation that affects all of us because we're all paying those rates. So when the peanuts are thrown at the elephants in the ring, those peanuts better not be thrown at some of us. When some of us get thrown peanuts because we're elephants about being asleep at the switch when \$14 million was taken and all of this other nonsense that gets under my skin, some of us were doing our due diligence. And this individual sitting here was and I am furious that this occurred. And someone, there needs to be administrative controls put in place. Someone could say well the state auditors weren't doing their job, Bob, because you emailed them. If I was a state auditor, I'd say where was the city's institutional controls on this. When things were reported, what was the administration doing? By golly, we were trying over here to get things done. Heaven only knows what else has gone on over there. So, I so would have loved for Stephanie to be here because at the very last council meeting, do you all recall what I asked her?

Mr. Steffey: How things were running?

President Marino: And what did she tell me?

Clerk: Very well.

President Marino: What was the quote?

Clerk: Very well or very good.

President Marino: That's not the... you can't say anything Gary. That's not all. Our city auditor and I had a conversation with her that went back several months ago, maybe last year about the ongoing machinations in that billing office and I was absolutely misled. Because then I had to go have a meeting in the Mayor's office with the Mayor and Ed following that regarding that conversation back there. So, folks need to be held accountable when things are not done correctly. And I know people make mistakes. I make plenty of them but at what point do we hold folks accountable? To my knowledge, nothing. So, I'm off my soap box. My conscience in clear because I did what I was supposed to do. Folks downtown didn't and that's a shame. Okay.

Mr. Mientkiewicz: Are all of these issues resolved? What's going on? I mean, is everything resolved in the office that he was ranting about?

President Marino: That was hardly a rant.

Mr. Mientkiewicz: Well, I know there's probably more and that's why I'm asking are all of the issues resolved?

Mr. Stredney: Steve, I don't know what issues there would be left to find. I'm shocked to find this is still a problem. When Jeanne talked to me and talked to the Mayor about this, it was it was definite because I wasn't the first person she told. I know that. When she's got a whole pile of stuff. What we're intentions on doing, some of the stuff has been corrected over time. Some of the stuff that had fallen off between the software upgrades has been corrected. It's a matter of talking to everybody involved. Finding out what the state auditors did, talking with.

Mr. Mientkiewicz: Are they still involved?

Mr. Papalas: Do we have any bills? Do we have any bills that were reduced by orders from anyone in the past administration or present?

Mr. Stredney: Yeah there's plenty of examples from past service directors and Mayors that gave authority to reduce/discount.

Mr. Papalas: How much do you think we lost as a result of that? Do you have any idea, Ed?

Mr. Stredney: Per year or all together?

Mr. Papalas: All together.

Mr. Stredney: How far back? I mean there's discounts ranging. People were upset and they go in there and they would argue it was under the discretion of the service director and Mayor. They could have given lots of discounts. We had asked for a report, I don't remember the total off the top of my head, but it was pages and pages and pages of discounts that was given over the last couple of years.

Ms. Marchese: You said this has gone past, what five years?

Mr. Stredney: This one problem?

Ms. Marchese: Yes.

Mr. Stredney: 67 months, which is about 5 and a half years.

Ms. Marchese: I didn't understand is if we had this many different software companies, how did from the first to the second to the third, if it's a computer and it's the way of the future, why

didn't it pick it up? I mean, five years, that's a long time for a problem to keep going on. How did all of these softwares miss this is what I want to ask.

Mr. Stredney: The software that we have right now I don't believe is the problem and I'm going to say this and you know every software has its issues.

Ms. Marchese: Exactly.

Mr. Stredney: But it was never in the first software or second software for it to transfer over. Again, I think this is more human error than anything.

Ms. Marchese: So.

Mr. Stredney: I'm not the first person that knew about this in the city. I'm just.

Ms. Marchese: I understand that.

Mr. Stredney: We're not going to allow it to go on.

Ms. Marchese: What I'm saying to, we had a different a different man here that in that department before 5 years ago, correct?

Sr. Stredney: Yeah.

Ms. Marchese: And that was when Tom Tellago had it I think. So, it's gone back. This has been an on-going problem from software to software, this hasn't been found or dealt with.

Mr. Stredney: Or corrected.

President Marino: Go ahead, Steve.

Mr. Papalas: Now that the previous director was mentioned, I want to give a brief history lesson if I may and I think you remember this and Ed you may. There are a couple ladies here that were originally a part of this that director wanted to have another employee in that office, in the billing office, which of course was not permitted. So, an effort was finally made by a former.

President Marino: Steve, can I interrupt you? I have the notes from those meetings as well.

Mr. Papalas: Okay.

President Marino: So I have documentation supporting everything that we're talking about.

Mr. Papalas: So we

President Marino: Donna Guerra's notes.

Mr. Papalas: We had overtime money appropriated for I think four people to go through every single account. And you can imagine how long that would take but we that that was a good idea. It's probably the best way to do it. The people, the ladies, who were involved were what I would consider experts in what they were looking for. And then we started getting reports, sometimes they would mark an issue as needing corrected and it wouldn't be corrected. Or, there were things that were so alarming to us or cause for worry that we approached the Mayor. And so somebody in that administration decided to solve the problem by simply withdrawing the overtime funds and cancelling the project. So some of these issues may have been discovered earlier, I can't say but we've had problems going back for years and there was an attempt on the director you mentioned to straighten some things out but I know that it didn't always work out that way because there were other people involved in the decision making.

President Marino: Ryan.

Mr. McNaughton: I know we're kinda...tentacles are expanding here. I want to go back to what Mr. Papalas was saying. Pages upon pages of bills were simply discounted. Did I hear that correctly? I mean that was the quote right. Pages and pages and pages. How, up to when, was that occurring?

Mr. Stredney: From the best that I can tell, it was ongoing probably until this year. We have a new policy in the office, it's not a very hard policy, under no circumstances are we going to discount any utility bill. It, we don't really have any legislation and Mr. Swauger, I believe, is looking into some different legislation for council controls on it. The only way I can see it, if you can rationalize this in your head, these are enterprise accounts. So once the bill is created that money goes into that account. Ed Stredney can't walk into that office, although it happened, and it and it has happened over time with Mayors and service directors, and say erase Fred Smith's sewer bill. He complained that he had a water break so we're just going to erase his sewer bill. I don't believe I have that authority. So our new policy has been if there is a bankruptcy or something that has been issued by a judge, we'll do it in Board of Control. Otherwise, they can see the utilities chairman and if city council wants to reduce a utility bill, they can. Now if it's a billing error and we can verify and we go out and reread a meter and we say we misread your meter, we'll fix the reading and that will automatically fix your bill. So yes, in that aspect, there is a correction. But if you come and say hey I had a water break. Can I get a discount on my sewer bill? I'm sorry. There's not much we can do. That's what the new policy is and we're going to abide by it. So I have given a discount that has not been approved through Board of Control or city council? No.

Mr. McNaughton: So

Mr. Mientkiewicz: So who was doing that?

Mr. McNaughton: There are no tea leaves to read in between. We have it on record that this happened through this year. Mayor, did you have any idea?

Mayor Scarnecchia: No.

Mr. McNaughton: That people are walking... now I'm getting mad. So you're telling me that people just walked into the billing office and said I don't like what I'm paying and nothing was done to check if it was human error.

Mayor Scarnecchia: They never brought it up.

Mr. McNaughton: And someone just said alright just get rid of it.

Mayor Scarnecchia: They never brought it before me.

Mr. McNaughton: Do we know if our billing person.

Mayor Scarnecchia: We don't know.

Mr. McNaughton: Knew about this? It's a scandal if you're asking me.

Mr. Stredney: The orders came from the service director or the Mayor. And the Ohio Revised Code gives me the authority over electric and water rates. Sewer rates belong to city council. So I do have the authority over electric and water rates. So again, it's one of those grey areas that is going to be coming from the law department when we get the legislation and controls for you guys.

Mr. Papalas: Your authority is to raise rates, but not to determine if your buddy gets a discount.

Mr. Stredney: I agree with that statement right there. That's why we put in an internal policy that none of those offices or none of those billers, clerks, girls in the office/guys in the office can give a discount.

Mayor Scarnecchia: Excuse me. I can honestly say no one has ever approached me about reducing their rate or getting rid of their rate. Maybe because they know me and I wouldn't do it anyhow. So, you know.

Mr. Mientkiewicz: Who were they approaching?

Mayor Scarnecchia: This was... pardon?

Mr. Mientkiewicz: Who were they approaching if it wasn't you?

Mr. Stredney: Again, it falls under the service director. Even if, and this isn't a perfect world, even if Tom, the Mayor, were to go in there and tell them, I still those girls work directly for me. So, it would come under my authority. There's plenty of notes in there and those girls have done their due diligence so all the discounts have been given are you know, it would literally say you know for Barry Steffey per Linda Marchese or whoever was authorizing it. So it's all documented. It was.

Mr. Papalas: Did the state auditors see this, Ed?

President Marino: They are aware.

Mr. McNaughton: If not, they should.

President Marino: They're aware of it.

Mr. Stredney: To the best of my knowledge, they should have all of this.

President Marino: They're aware of it.

Mr. Papalas: So it's in their hands?

President Marino: They're aware.

Mr. Papalas: Okay thank you.

Mr. Steffey: I would look at using the software and that we have and making sure that no one has authorization electronically or with the technologically to make a discount. No one should have the ability to physically make a discount or access that part of the computer. I have system limitations where I work. I have access on things that I need to have access to and I'm locked out of things that I do not need to have access to. So I would expect that we could look at our software also as a way to deter this from happening in the future.

Mr. Stredney: Yes.

Mr. McNaughton: I can't download Java on my work computer and I'm a nobody. This needs to happen. That's an excellent point.

Mr. Stredney: That's already... steps have been taken in working towards.

Mayor Scarnecchia: Look in the past, the past couple of years, two peoples were able to steal money from the city so you can see how easy it must have been to get into that computer and do it. Or don't do it.

President Marino: Well I don't want to convolute this. The employees were directed by the service director to discount those bills. And if I heard you correctly Ed, there are notations in the system stating who directed them to arbitrarily adjust bills.

Mr. Stredney: Yeah, sometimes there might be an explanation in there but I don't see how that matters. If I had a water break in my house, and I go in there and say I had a water break in my house so can you discount my sewer? If we fill your pool, we're still charging you sewer so I don't understand how... and you know if people are standing there complaining. You know, those people work for me so I can see why some of them did what they were ordered to do. But yes, they did make notes saying per Ed Stredney on January 20th I discounted \$200.00 and the discount would be taken off.

President Marino: Terry, are there any ordinances or institutional controls we need to put into place?

Law Director Swauger: I have talked to the service director about this. Our billing right now simply says our service director sets our water rates. The electricity rate, we have one ordinance regarding electricity rates and that simply says that we get our electricity free for city buildings. There are more extensive. Other cities in the state who have much more extensive billing codes. I'm talking 15-20 subsections for billing. If council is so inclined, I can provide them samples of what there are and they can decide what route they want to go. But right now, our city ordinances have no no controls on.

President Marino: I would strongly encourage this body give serious consideration to... are you putting something together for them? A draft or whatever? To put in institutional controls codify it, that way if it happens, God forbid again, there are avenues available to rectify the situation should somebody violate one of your ordinances. But it's your call. Some of you have to tell Terry to do that.

Mr. Steffey: Terry, do that.

Mr. Mientkiewicz: I think that would be a good idea.

Law Director Swauger: I will get you some information.

President Marino: Terry, thanks for doing that. I appreciate it.

Mr. Stredney: To Terry's credit, I think he's probably already started looking into some of that.

Mr. McNaughton: Is it possible...is it possible to go through the system and find out those notations that you speak of and provide us with a report to have an idea. I don't know if it's possible.

Mr. Stredney: Yeah we can.

Mr. McNaughton: Just to get some sort of semblance of numbers. What are talking about?

Mr. Stredney: We had.

Mr. McNaughton: Is it little? Is it massive? I mean, little is bad enough.

Mr. Stredney: You know over time, if you want to go back five, ten years. You tell me a time frame you want, we can narrow it down.

Mr. McNaughton: Just a couple. You guys are busy enough. Just so we have an idea of the totality of this.

Mr. Stredney: Yeah.

Mr. Mientkiewicz: So just one last question, when that rate study comes back let's say it says do not raise sewer rates. Will we have the authority, if we deem necessary, to raise the flat fee in this area?

Mr. Stredney: Yeah.

Mr. Mientkiewicz: Without raising the entire city's rates.

Mr. Stredney: As far as I would know, but you'd have to ask Swauger, Mr. Swauger, but the rates ultimately come down to city council.

Law Director Swauger: Sewer rates are set by council. You have a statute that sets the sewer rates right now and you can modify or amend or change that statute any way you want at any time.

Mr. Mientkiewicz: Without the changing the entire city. Would we have the authority to just to.

Law Director Swauger: Yes. We're adding an outside rate for those who don't get water. That's not in our bill right now so we can always modify that portion.

Mr. Mientkiewicz: Okay. I think that's something to keep an eye on once that study comes in.

Law Director Swauger: And we did discuss that rather than randomly picking a number. We're in the middle of a rate study, let's just go back to this number and work towards what we really need after that.

Mr. Mientkiewicz: Good.

Mr. Stredney: And then to wrap this whole subject up, in the future, we're probably going to ask for October 1st, I would like to start going back in and resurrect the overtime idea. Go through these accounts and six.

President Marino: I would do it now.

Mr. Stredney: Well we are in process of getting towards there but I want to make sure when we do this, we can do this right so we don't miss anything. I want to make sure that the software is right. We have the vacant issue with the software. Let me explain that real quick so you can understand why there's a little time delay. So if we put a house into the system as Barry Steffey moves out of his house so 123 Smith Street is vacant, as a meter reader goes out and reads those reads and those reads come into the system they... when I pull up my screen to look at 123 Smith Street, the last read I read is the last time there was an active read there. So, if the last time Barry Steffey lived there was January of 2015, that's the last read I see on this computer screen. Now in some sort of back channel, it saves the reads but if I'm pulling up the address just to pull it up, that's the last read I read. So we're changing that and working with the software company to change it so that when I pull up 123 Smith Street, I get the read every month of what it is. So

if nobody's lived in that house in 2 and a half years, I can see the same number repeating the read from the meter reader for 2 and a half years because we read every house and every business every month. So, we're getting.

President Marino: So if, I want to make sure I'm understand this, somebody could go into the system and mark 123 Smith Street vacant. The meter reader goes and reads it on their gun, comes in plugs the gun into the computer. But because it's marked vacant in the computer, the gun read is stored somewhere but it doesn't go into billing side and generate a bill for that property.

Mr. Stredney: Correct.

President Marino: There's no control over how that was done?

Mr. Stredney: Well the software company built it exactly the way they were instructed and told to build it through objections of whoever. In talking with them, we can create a, I don't want to say a dummy account, but a dummy vacant account where all the vacants would be on the same account. So when you type in that account number, you'd get the whole entire vacant list with all the readings right there.

President Marino: Seems to me you...we have a lot of work to do in our billing office.

Ms. Marchese: Yes.

President Marino: Just saying. Okay. Anything else, Ed, we need to know? I know you're not the department head so I appreciate you informing council since we weren't last time. Anything else?

Mr. Stredney: My apologizes if I forgot anything but I think.

President Marino: Alright. Thank you for.

Mr. Steffey: Thanks Ed.

President Marino: Alright. Any other questions on this ordinance?

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by McNaughton to adopt this Draft No. 132-17.

YEAS: 6 NAYS: 0

This Draft No. 132-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. _____(Draft No. 133-17)

AN ORDINANCE AMENDING CHAPTER 163, “EMPLOYEEES GENERALLY” OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO UPDATE VARIOUS SECTIONS FOR THE NON-UNION, NON-ELECTED EMPLOYEES; AND DECLARING AN EMERGENCY

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

Mr. Mientkiewicz: Question. Was this compiled by Mr. Swauger as well as an outside firm?

Mr. Stredney: I think most of this was worked on between the auditor’s office and Mr. Swauger’s office. And this more or less, and Terry correct me if I’m wrong, aligning this legislation to mimic the contracts.

Law Director Swauger: Correct. We took our current ordinances for non-union employees and matched it to the language for the union contract so that they are the same. And we did eliminate some provisions in there. For example, positions that no longer exist that were in there or Mr. Crowley’s position was renamed. So, we fixed his name of his position in there. It’s just cleaning up legislation like that to make our ordinance for non-union employees the same as it is for the union employees.

Mr. Mientkiewicz: Are there any cost savings in this?

Mr. Stredney: Probably over time because.

President Marino: No.

Mr. Stredney: We eliminated vacation for sure.

Law Director Swauger: The one issue I do know is the retirement incentive program will be matching the union so all of those types of things will match up.

President Marino: It’s also important that we have this when the state auditors come in because they review our ordinances when they’re working with Giovanna and our ordinances need to mirror the benefits that the employees receiving. As we know from experience, that wasn’t always the case. Thanks for your efforts on this.

Mr. Mientkiewicz: How often are these reviewed? This.

Mr. Stredney: Terry, correct me if I’m wrong, but this was just updated a few years correct?

Mr. Mientkiewicz: Will these be reviewed each negotiation period?

Law Director Swauger: That's when it should be done.

Mr. Mientkiewicz: Okay.

Law Director Swauger: I don't know that it was previously, but it should be done when we approve any new contract.

Mr. Mientkiewicz: It will from here on out.

Ms. Marchese: Going forward.

Mr. Papalas: It's been past practice for long before I came on council that after the negotiations the contract was settled, the non-union employees got the same things as the union. But that fell by the wayside in the administration and we ended up, for example, with secretaries making more than registered nurses. And for some reason because the registered nurses weren't in the union, for some reason that was okay with some people. So, this dresses things up and I'm real happy to see it.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by Marchese to adopt this Draft No. 133-17.

YEAS: 6 NAYS: 0

This Draft No. 133-17 has been adopted on the 20th day of September 2017.

RESOLUTION NO. _____(Draft No. 134-17)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE MISCELLANEOUS GENERAL CONTRACTED LABOR ACCOUNT; AND, DECLARING AN EMERGENCY

Mr. Papalas: Mr. Chairman, before we go any further, I have some questions to ask about this. Section two, it mentions stump removal and sidewalk replacement. Can somebody give me the details on this.

Mr. Stredney: Sometime in 2016, a project was started down off of Difford and Lincoln Way and Morris. These are two different properties. One the corner of Lincoln Way and Morris, two sections probably about 3 or 4 sections of sidewalk were removed. Why they were removed?

Mr. Papalas: Who removed them?

Mr. Stredney: The city of Niles had ordered and paid a contractor to do it. The service director had it done. It was not at a water leak place that I know of. The water department went there, verified it was not at a water leak. I think Frank Pezzano got with me at the beginning of this year from his residents to get it fixed. Through investigator, it didn't come under the water department which is where a lot of cement work was done. So, we got a hold of the contractor that took it out. He said he was told to take it out, paid to take it out. He didn't want to put it back in right there because there was too many issues with the stumps. So on that project, it stopped. In talking with the law director, we took the sidewalk out so it's our responsibility to replace the sidewalk.

Mr. Papalas: We don't do that. It's never been a policy to do that ever. As a matter of fact I have to tell you guys, I'm a little burned up over this because I've told several residents over the years we can't help you with your sidewalk. We have an ordinance that says sidewalks are the responsibility of the property owner. We dragged landlords in here, in court, to have them repair their own sidewalks. We don't do that. So if we do this now, you know what we're going to be faced with. Don't you? Well you did it for this person or these people. How many are involved?

Mr. Papalas: This is just one house for this sidewalk and these stumps. And there's another stump down the road.

Mr. Papalas: We don't do this. It's.

Law Director Swauger: Mr. Papalas, I will tell you why I advised him to do this. We started the project and left it unfinished. We created a hazard which exposes us to liability.

Mr. Papalas: Terry, who authorized it?

Law Director Swauger: It was ordered last year. I wasn't here. I don't know who authorized it.

Mr. Papalas: Mayor, did you authorize this? Who did?

Mayor Scarnecchia: The service director.

Mr. Papalas: Well then the service director should pay for it. The citizens shouldn't be paying for it. That's a violation of our ordinances. A violation. That person should be made to pay for this. Not us. Not the citizens. What do I tell people? Jean Corlis is one person who had a tree she wanted taken down and we said no. No wires. Were there wires in these trees and did the city take these trees down?

Mr. Stredney: We did take the tree down. I think we may have had, I don't know if Jim would know, I think we may have had it done outside. I don't think we took it down because it was too big. But no, there was no power lines above the tree.

President Marino: We had a private contractor cut this tree down?

Mr. Stredney: I think they may have. I don't know. I can look into that further for you.

Mr. Papalas: Yeah I would like to know. I'm really curious to know. And I've told many, three people that come to my mind right now, we can't do your sidewalk. And it was raised substantial and a couple of these people were senior citizens. One lady lived on Russell Ave. She's gone now but years ago I would have loved to have helped that elderly lady. What are we doing?

Mr. Stredney: I 100% agree. I... I don't know what else to do.

Mr. Papalas: I do. I would take action and have the person who authorized this project illegally, without coming to council or anybody else, evidentially he doesn't...the Mayor doesn't know about it either, that person is responsible for this then.

Law Director Swauger: I will follow up on that if that's what council wants me to do. I advised.

Mr. Papalas: That's my. I'll make a motion that we have the person who authorized this project illegally be financially responsible for it.

Mr. Mientkiewicz: I echo Steve's comments. In two years, I've told dozens of people we don't replace sidewalks. We don't remove stumps. People cut their tree down, have their tree taken down, they call me. I want the city to come do the stumps. We don't do it. I tell them no. Mr. Crowley, how many times have I asked you "what's our policy on sidewalks" Responsibility of the home owner.

Law Director Swauger: I can tell you this, council. I advised Mr. You're exactly right. We do have an ordinance that makes the home owner responsible for sidewalks. That is not our responsibility. That's why Mr. Stredney, I told him to bring this to council for approval because he doesn't the authority to do it. Only council can approve that. I did it from a legal stand point because we created a hazard and it could have cost us more money down the road. You know, we've created this situation that potentially could expose us to liability. That's why he brought it to council because I advised him to do that, not to do it without getting council's approval.

Mr. Papalas: Mr. Law Director, that's an option. It's one of the options and I can appreciate your thinking and I appreciate very much that you guys brought it before us because you know this could have somehow just been done. I appreciate that but I really think it's a slap in the face to the land owners, the property owners in our community. We see them every summer replacing their own sidewalks. It's just a slap in their faces and it's inappropriate.

Mr. Pezzano: And what Mr. Swauger stated was on the corner of Morris and Lincoln Way that is really bad. And the stumps. I don't know how long the stumps/the trees were taken down but it's

been about a year and half now that they've been empty here with the sidewalk. The contractor started it and never finished it.

Ms. Marchese: That was my question Frank and it's bugging the heck out of me right now when I go through my notes that I try and keep. Wasn't there a lady or something that either...she either came to this council or she was complaining about something and she had it blocked off or something. Was that at one of the safety meetings?

Mr. Pezzano: It wasn't.

Ms. Marchese: I don't know why I keep remembering this lady because I'm thinking she.

Mr. Pezzano: Yeah Ms. Marchese, that wasn't at that location though.

Ms. Marchese: I know there.

President Marino: Tony.

Mr. Vigorito: Can I speak on this? Just as a note, when we have demoed homes and the water department had to go out and shut off the water, cut their water service off. If they had to dig sidewalks up, the water department, in the 16 years I've been here, has always replaced any of the sidewalk that they had to take out to do the job. That the city had to do it. Now in our policy with the demos, the contractor's responsible for those sidewalks in front of the home. They're supposed to take pictures and if the sidewalks get broke, they're responsible to replace the sidewalk. But that's the way it's been done here for 16 years that I'm aware of. So, the city has in fact replaced sidewalks I couldn't count the number of times.

Mr. Papalas: Yeah on a demo project, Anthony. This isn't a demo project.

Mr. Vigorito: Well, I'm not real sure. I think they had to go in and shut off water or dig up a meter.

Law Director Swauger: No no. These are occupied homes.

Mr. Vigorito: I'm not sure. I just wanted bring that up that we have replaced sidewalks.

Mr. Papalas: Well we all, I think, I know that. This is not a demo project. We didn't tear a house down.

Mr. Vigorito: Okay. Just bringing up a point.

Mr. Papalas: Yeah. So, I have a motion on the floor.

President Marino: Is there second?

Mr. Mientkiewicz: I'll seconded it.

Mr. Steffey: What's the motion?

Mr. Papalas: The motion is to make the person responsible for this project.

President Marino: Well how about we can we request that the law director investigate options available to city of Niles relative to this matter. And have him report back to council. I'm just asking.

Mr. Papalas: I think he already gave us his one of the options.

President Marino: Terry.

Law Director Swauger: I will look at options whether we do a civil action, whether we file a criminal complaint, whatever it may be. I don't know the exact procedure but I will look into it and advise this council of what their options are.

President Marino: Is that okay, Steve?

Mr. Papalas: I don't want this ordinance on the.

President Marino: Well what we're going to do is, you made a motion to direct the law director to provide council with options relative to this matter and those individuals who are responsible for the decision of it in violation of your ordinances. And it was moved by, is that okay? Did you get that Nikki?

Mr. Papalas: I think that's fair. I will make that motion.

It was moved by Papalas, seconded by Mientkiewicz to direct the law director to provide council with options relative to this matter and those individuals who are responsible for the decision of it in violation of your ordinances.

No objections- unanimous vote.

Mr. Papalas: In regards to 134-17, may I make a motion that we table this?

Law Director Swauger: Before you do that, I would like you guys to remind you that when you table a motion, that motion is done in front of you. You cannot remove a motion from the table under your rules. Your rules say the tabling of a motion is a final disposition of that motion, of that matter.

Mr. Pezzano: So.

Mr. Papalas: That's why my motion.

Law Director Swauger: That's fine.

Mr. Pezzano: I'm sorry Mr. Papalas. So this is going to put by the wayside so these residents, that whole area, is going to be neglected for the winter time and everything. I'm guessing.

Law Director Swauger: I will have an answer for you by your next council meeting.

Mr. Pezzano: Okay.

President Marino: There was a motion to table by Papalas. Is there a second?

Mr. Steffey: Terry, because these residents have been put out to some extent by not having a fulfilled job that was promised to them, is this something that the city, in your I kinda side with you, on the worry about liability. Is this something that the city can take care of and then go retro back after following what Mr. Papalas is asking?

Law Director Swauger: I'm not worried about the promise to complete the job, that's not the issue here. The issue is we left an open sidewalk that's mud and dirt. It's not concrete that's the liability I'm worried about. Not the promise because the promise is not enforceable against us but the fact that we started the work and didn't finish is the issue that I have from a legal perspective.

Mr. Papalas: And the issue that I have along with that is again that it was done illegally and we have always made people put in their own sidewalks. Replace their own damaged sidewalks or raised sidewalks. And if you go along with this, you're going to open a door and I will guarantee you're going to have people standing in line saying what about us? I just I am considering those people, who are responsible enough who on their own, went to Home Depot or Lowe's and bought some bags of cement and fixed their own sidewalks or had contractors come in and replace the slab. I'm thinking of those people. This isn't fair to them.

President Marino: Jim.

Mr. Newbrough: I would just like to say that I've been out to the site on Lincoln Way. There's two sections of sidewalk that have been removed. It's my understanding they were removed by a contractor hired by the city. And once the sidewalks were removed, there're so many roots underneath where the sidewalk was that they can't be replaced. So before anybody decides we're going to go in there and pour a new sidewalk, there's a lot of work that's got to be done there first.

President Marino: Thanks for the clarification.

Mr. Mientkiewicz: Terry, I'm under the impression you're going to explore an alternate avenue.

Law Director Swauger: I am.

Mr. Mientkiewicz: If that, if we can't take that alternate avenue this will come back to us and we will eventually have to eat the bill.

Law Director Swauger: Yes.

Mr. Mientkiewicz: Okay.

Law Director Swauger: Or not. Ultimately it's your vote. I can just give you legal advice.

Mr. Mientkiewicz: If not, I understand. You got to do what you got to do.

President Marino: There was a motion to table, is there a second? Is there a second?

Mr. Steffey: Second.

It was moved by Papalas, seconded by Steffey to table this Draft No 134-17.

YEAS: 4 NAYS: 2

This Draft No. 134-17 has been tabled on the 20th day of September 2017.

ORDINANCE NO. _____(Draft No. 135-17)

AN ORDINANCE FINDING THAT CERTAIN PROPERTY OF THE CITY OF NILES IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND THAT SAID PROPERTY HAS NO VALUE THAT CAN BE REALIZED BY THE CITY; AUTHORIZING THE SERVICE DIRECTOR TO DONATE SAID PROPERTY TO AN ENTITY IN NEED OF SAID EQUIPMENT; AND, DECLARING AN EMERGENCY

Ms. Marchese: I would like to suspend this and the reason is we're talking about a lawn mower. It's been sitting in the impound lot. It's really of no use to the city whatsoever and the Sherriff's department would take and pay for all costs to get it fixed or whatever it is to them because it's going to be a lot of money. But anything useful when they come into our city and they cut any excess lawns, they may be able to use it once they pay for them to fix it.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Steffey to adopt this Draft No. 135-17.

YEAS: 6 NAYS: 0

This Draft No. 135-17 has been adopted on the 20th day of September 2017.

RESOLUTION NO. ____ (Draft No. 136-17)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED COMMUNITY DEVELOPMENT FUND TO THE CONTRACTED LABOR ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

Mr. Papalas: Part of this includes fire hydrants. That's very good.

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 136-17.

YEAS: 6 NAYS: 0

This Draft No. 136-17 has been adopted on the 20th day of September 2017.

RESOLUTION NO. ____ (Draft No. 137-17)

A RESOLUTION AUTHORIZING QUARTERLY CASH TRANSFERS; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Papalas to adopt this Draft No. 137-17.

YEAS: 6 NAYS: 0

This Draft No. 137-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. ____ (Draft No. 138-17)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT(S) WITH CAMPOPIANO ROOFING FOR ROOF REPLACEMENTS AND EXTERIOR IMPROVEMENTS PROJECTS; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by McNaughton to adopt this Draft No. 138-17.

YEAS: 6 NAYS: 0

This Draft No. 138-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. ____ (Draft No. 139-17)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$160,600 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, RENOVATING, ACQUIRING, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING THE MUNICIPAL CEMETERY, INCLUDING BUT NOT LIMITED TO, ROOF REPLACEMENT, ACQUISITION AND INSTALLATION OF LIGHTING, EXTERIOR BLOCK REPLACEMENT AND SEALING, ADA COMPLIANT IMPROVEMENTS AND BATHROOM RENOVATIONS TO THE CEMETERY CHAPEL, CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, DRIVES AND ROADS TO THE CEMETERY MAINTENANCE GARAGE, AND CONSTRUCTION AND RECONSTRUCTION OF A RETAINING WALL OF THE CEMETERY MAUSOLEUM, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 139-17.

YEAS: 6 NAYS: 0

This Draft No. 139-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. _____(Draft No. 140-17)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,059,800 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, RENOVATING, ACQUIRING, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING THE CITY SAFETY SERVICE BUILDING, INCLUDING BUT NOT LIMITED TO, BRICK AND FLASHING REPLACEMENT AND SEALING, ROOF REPLACEMENT, HELICAL PILES, REINFORCEMENT AND RECONSTRUCTION OF WALLS, CEILINGS AND FLOORS, MOLD ASBESTOS TESTING AND ABATEMENT, HVAC AND EXHAUST FANS, CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS AND BATHROOM RENOVATIONS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 140-17.

YEAS: 6 NAYS: 0

This Draft No. 140-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. _____(Draft No. 141-17)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$303,000 FOR THE PURPOSE OF

PAYING THE COSTS OF CONSTRUCTING, RENOVATING, ACQUIRING, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING THE CITY'S FIRE STATION #8, INCLUDING BUT NOT LIMITED TO, ROOF REPLACEMENT, HVAC AND EXHAUST FANS, REINFORCEMENT AND RECONSTRUCTION OF METAL WALL PANELS, CONCRETE DRIVE REPLACEMENT, REPLACEMENT OF DOORS AND DOOR FRAMES, CONSTRUCTION OF A DRAINAGE SWALE AND PIPING, ACQUISITION AND INSTALLATION OF A GENERATOR, ACQUISITION AND INSTALLATION OF WATER HEATERS, AND OTHER INTERIOR RENOVATIONS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Papalas to adopt this Draft No. 141-17.

YEAS: 6 NAYS: 0

This Draft No. 141-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. _____(Draft No. 142-17)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$21,700 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, RENOVATING, ACQUIRING, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING THE CITY MUNICIPAL BUILDING BY WATERPROOFING THE BASEMENT WALLS, GENERATOR AND GARAGE DOOR RENOVATIONS AND REPLACEMENT INCLUDING ACQUISITION AND INSTALLATION OF LIGHTING, CONSTRUCTION AND RECONSTRUCTION OF THE WEST WALL, HVAC EXHAUST FANS, ADA COMPLIANT IMPROVEMENTS, AND INTERIOR RENOVATIONS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 142-17.

YEAS: 6 NAYS: 0

This Draft No. 142-17 has been adopted on the 20th day of September 2017.

ORDINANCE NO. _____(Draft No. 143-17)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$54,900 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, RENOVATING, ACQUIRING, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING THE PARK AND RECREATION FACILITIES OF THE CITY, INCLUDING BUT NOT LIMITED TO, ROOF REPLACEMENT TO THE STEVENS PARK CABIN, ROOF REPLACEMENT TO THE WADDELL PARK MAINTENANCE CENTER, REINFORCEMENT AND RECONSTRUCTION OF WALLS, CONSTRUCTION AND RECONSTRUCTION OF WALLS, ROOF STRUCTURE AND ROOF SYSTEM TO THE WADDELL PARK POOL BUILDING, AND REPLACEMENT OF DOORS AND DOOR FRAMES TO THE WADDELL PARK CABIN, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

YEAS: 5 NAYS: 1 (Papalas)

Rules are not suspended.

It was moved by Marchese, seconded by Steffey to give a first reading to this Draft No. 143-17.

YEAS: 5 NAYS: 1 (Papalas)

This Draft No. 143-17 has received its 1st reading on the 20th day of September 2017.

RESOLUTION NO. ____ (Draft No. 144-17)

A RESOLUTION TRANSFERRING AND APPROPRIATING FUNDS FOR DEBT REPAYMENT IN THE STREET DEPARTMENT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Steffey to adopt this Draft No. 144-17.

YEAS: 6 NAYS: 0

This Draft No. 144-17 has been adopted on the 20th day of September 2017.

MISCELLANEOUS REMARKS

President Marino: I think I've ranted enough so no comment from me.

Mr. Stredney: Yes real quick before council I passed out a piece of paper. The Mayor had met with a natural gas aggregate program. This is the same one Trumbull County uses. If we so choose to move forward with them, we will ask for legislation probably at the next council meeting. In this contract, it wouldn't cost residents nothing to opt in and if they choose to leave it would cost them nothing to opt out. Again, this is the same company that the county is contracted with for their gas aggregate program. So if we don't get anything better within the next day or two, we'll probably ask the utilities committee to bring that legislation forward at the council meeting.

President Marino: Thanks Ed.

Chief Danielson: Yeah I just wanted to advise council that the fire department is going to have their open house this Saturday from 10-1. We're doing it a little bit earlier than normal. Next month, there's a safety meeting.

Mr. McNaughton: Very quickly. I just want to thank everybody involved in the bonding issues to get moving on all of the repairs to the buildings. What I would say to the residents of the city is that I would feel very confidence that not only did we get this bonding, all things considered with the hole we're digging out of, but that a local bank, Farmer's, is doing it. They live here, they (inaudible), they work here. And if the local folks sign off on this, that gives me cause to think maybe we're going in the right direction. So thanks to everybody. The rate is lower so this is all good stuff. So , and I am a tax payer. We are tax payers. I'm happy about that so thanks everybody involved. Nothing further.

President Marino: Mr. Merlo, I forgot you.

Auditor Merlo: That's okay. We may have to schedule special council meetings prior to Monday, for the fiscal commission, for that one ordinance with the Waddell Park Pool building. I don't know if that was correct on that legislation. I believe that's why it did not go.

Mr. McNaughton: I am out of state starting Friday morning throughout the weekend for a wedding.

Auditor Merlo: Okay.

Mr. Stredney: Giovanna, I thought during that meeting I thought it was brought up then that even though it says it, it says it because it in the initial plan of the under the five years. But it was the dollar amount we were clinging to. So, the dollar amount was all that we were actually approving even though it gave a gamut of stuff that we could use it for so.

Auditor Merlo: Mr. Stredney, you are correct.

Mr. Stredney: So.

Auditor Merlo: I forgot.

Mr. Stredney: As we eluded to, it was just was the maintenance building but because we gave the direction to encompass everything that was in that five year time frame, that's why those other building were in there.

Auditor Merlo: You're correct.

President Marino: The soonest you can have a meeting is 7:30 P.M. tomorrow night and Friday and Saturday.

Auditor Merlo: It will be at council's pleasure. In order for the bond issuance to happen, it would have to prior to the fiscal commission on Monday.

President Marino: The rules aren't going to be suspended, Terry. Is that going affect? That won't affect anything because it doesn't take effect for 30 days if the rules are not suspended.

Law Director Swauger: No.

President Marino: So

Law Director Swauger: No. Declaring of an emergency makes it take effect immediately

President Marino: Thanks. I was. Thanks.

Law Director Swauger: The rules suspended just suspends the three readings.

President Marino: Right. Thank you.

Law Director Swauger: So, it won't matter whether three readings, it will still be an emergency ordinance.

President Marino: Alright. Thank you. Because it's in a clause in the ordinance.

Law Director Swauger: Correct.

President Marino: Thanks Terry.

Mr. Mientkiewicz: Ed, can you say that again?

Mr. Stredney: I don't have it in front of me but I think the number was \$54,900. Correct me if I'm wrong, but I think it was for the park maintenance building.

Auditor Merlo: It is.

Mr. Stredney: And there was something else on that. Was it?

Auditor Merlo: Maintenance building and Steven's Park cabin.

Mr. Stredney: No, it was the maintenance building in Waddell Park and the little cabin in Waddell Park. There were some doors that were needed on that. And it might have been for Steven's Park cabin as well. So, it was the two. It was the one cabin, the maintenance building and the small Boy Scout cabin. But because in the initial assessment from Sekanick it encompassed the pool, that's why those languages were so long. The bonding company wanted to give us flexibilities so if we decide at a later date and time to add stuff on, we have the flexibility we can do that. We just have to go back to council and change the numbers.

Mr. Mientkiewicz: So that doesn't necessarily mean that the pool building is being renovated at this particular moment?

Mr. Stredney: Correct. The \$54,900 is coming from the Steven's Park cabin, the little cabin in Waddell.

Mr. Mientkiewicz: That's what I thought. Okay.

Mr. Stredney: And the maintenance building.

Mr. Steffey: So we need to set a special meetings.

Mr. Papalas: I won't be here tomorrow.

President Marino: We need four of you.

Mr. Mientkiewicz: I won't be here tomorrow.

President Marino: Well, you're not having it tomorrow.

Mr. Pezzano: Friday, I won't be here.

Mr. Papalas: I made it clear about the pool. My stand on the pool stands. I made it very clear. You guys want to go ahead and renovate it, go ahead. But I think that things going to be a money pit and I'm not going to... I'm not going to be a part of it.

Mr. Stredney: I'll just go on the record and as clear as I can say this \$1.6 million unless I've heard anything different, none of that money is going to the pool. All of that money is just for the emergency stuff in the Sekanick thing which was under the five years or was it three years.

Mr. Steffey: The critical list.

Mr. Stredney: The critical list. That's where we designed the \$1.6 million and that, the pool was not part of the \$1.6 million. I understand it's in the language. When we asked Squires and Patton about it, she said it's because it was everything under that five year mark. So that \$54,900 that was in that legislation is just for the cabin at Steven's, the cabin at Waddell and the maintenance building that's out there.

Mr. Papalas: It says pool building.

Mr. Stredney: I understand that but.

Mr. Papalas: Okay.

President Marino: For the special meeting, we need 6 of you here. Otherwise we need to schedule two other ones for a second and third reading. So you're gone, you're gone. It's not going to be accomplished Mr. Auditor before the fiscal commission meeting.

Auditor Merlo: Okay.

President Marino: So it's going to lay and wait until the next council meeting then.

Mr. Steffey: Anyone available on Saturday? I'm available.

Ms. Marchese: I am.

President Marino: The six of you available Saturday?

Mr. Papalas: Nope.

Mr. Mientkiewicz: No.

Mr. Marchese: Ryan's going to be gone for the whole weekend.

President Marino: Oh so that's the end of that. So it will not be. The goal was to have... you needed it for the fiscal commission meeting, right?

Auditor Merlo: Yeah it was to be in front of the fiscal commission.

Ms. Marchese: We can't have one morning, noon and three?

President Marino: No you cannot. Okay. Mr. McNaughton, did I ask you?

Mr. McNaughton: I'm all set. Thanks.

Ms. Marchese: Very short. I want to thank John for the meeting and Barry for having the fiscal. It was very informative. I learned a lot. So, you did a good job John. Thank you.

Mr. Mientkiewicz: Yeah Ed, can you relay a message to Stephanie since I guess she's not returning calls of my constituents for some reason. Please have her refer to my email and call my constituent tomorrow morning please.

Mr. Stredney: Which email? The one that me and you.

Mr. Mientkiewicz: The one that was sent the other day. Yes.

Mr. Stredney: Okay.

Mr. Mientkiewicz: Also, the branches at Steven's park. Are we going to get that taken care of?

Mr. Stredney: Yeah I think we've mentioned something about it. There is a group that's going to be doing a big clean-up day so we decided to wait until.

Mr. Mientkiewicz: Okay. When's that going to be? Soon? October?

Mr. Stredney: Something tells me it's the first or second weekend of October.

Mr. Mientkiewicz: Okay.

Mr. Stredney: They're going to be pulling other branches out so we're just going to have them do everything all at one fall swoop.

Mr. Mientkiewicz: And lastly, last...well for the last couple of months, the park board has been mentioned pay increases for temp workers through Labor Max, Mayor?

Mayor Scarnecchia: Yeah for the two girls.

Mr. Mientkiewicz: Two weeks ago at our council meeting, it was said money was to be appropriated for the remainder of the year for contracted labor at current Labor Max contract rate. I got wind that the park board approved pay increases for these people.

Mayor Scarnecchia: They can't do that.

Ms. Marchese: They did. Because I was at that meeting and so was Ed. But I'm telling you.

Mayor Scarnecchia: They're. It's their ignorance that they did that because they cannot.

Ms. Marchese: Well, they had a meeting and believe me I questioned all of this and I know there's a video tape.

President Marino: Can I interrupt for one second? Before we get into legal matters, I want to hear from our law director on whether they can or cannot.

Law Director Swauger: They are not employees of the city. They don't set their rate. We contract with Labor Ready so whatever the contract with Labor Ready says is what their rate is. They don't work for us. You can't give a raise to someone who doesn't work for us.

Ms. Marchese: Well, here's what was said.

Law Director Swauger: I don't know. I was not at the meeting.

Mr. Mientkiewicz: I was not either. I heard this through the grapevine.

Law Director Swauger: So I don't know.

Ms. Marchese: I asked because I kept hearing all of the rumors.

Law Director Swauger: I'm sure you asked but depends on what their resolution reads and says. And until I see that, they can't give raises to non employees. They're contracted labor through Labor Ready. Whatever Labor Ready pays them is the rate that we are to pay.

Ms. Marchese: Okay and they're saying that John moved one line to the line they needed that was, which I haven't had a chance to ask John, (inaudible), so they took the one line and moved

it in which gave them more money to play with. They hired a new girl to work the counter, they hired a new janitor. And because he said the part time people they hired weren't working out, and correct me if I'm wrong Ed because him and I sat back next to each other, and then they went into the meeting about these two girls and giving them a raise. Because my question was.

Law Director Swauger: Did they pass a resolution?

Ms. Marchese: They only had, which Ray should have been like Bob, and I said how could you do that when you only have one park board member and you're chairing the meeting?

Law Director Swauger: No, they're all three park board members. They all vote. He's not like Bob. He's a voting member.

Ms. Marchese: Okay so that them two. One was not there.

Law Director Swauger: Two is all they need to have a meeting.

Ms. Marchese: Because he said he talked to you.

Law Director: Two is all that's required to have a meeting. That's a quorum of their board. Now, in order to pass that they went into executive session to discuss it, that's legitimate.

Ms. Marchese: No, never went in with.

Law Director Swauger: Did they pass a resolution saying that?

Ms. Marchese: Yes they did.

Law Director Swauger: I would have to see that. I don't know what it says. But they are not allowed.

Ms. Marchese: They don't have minutes, somebody taking minutes, like we do. They don't have.

Law Director Swauger: They record. They do record their meetings. I've told Mr. Harper. He does.

Ms. Marchese: I don't think that was happening because they're was no, Ed did you see a recorder?

Mr. Stredney: Yeah he had the recorder on.

Ms. Marchese: Who did?

Law Director Swauger: He normally has a recorder sitting on the table.

Ms. Marchese: Okay he should announce that. I never heard that announced so I didn't.

Law Director Swauger: I told him that they are required to have minutes and if they record it that can be transcribed for their minutes. So, he has. The one meeting I went to, he did record it properly. I will have to look at what they voted on and said. I don't know exactly what it says but they are not our employees. We don't give raises to non-employees.

Ms. Marchese: That was the reason they had the meeting. Was to give these two girls raises.

Law Director Swauger: I will, I will find out more information about that. Legally speaking, they're not our employees. We have a contract with Labor Ready. We have to follow the contract.

Ms. Marchese: That's what I thought. It threw me off guard. (inaudible)

Mr. Mientkiewicz: At the last council meeting, it was, I think, council's intent to pass legislation regarding appropriations for that wellness center contracted labor line to last them, John, the rest of the year.

Auditor Merlo: That's correct and when we made that transfer, that transfer was based on currently wages.

Mr. Mientkiewicz: Based on current wages.

Auditor Merlo: Current contract wages.

Mr. Mientkiewicz: Correct so.

Auditor Merlo: Anything above and beyond that was not discussed with me.

Mr. Mientkiewicz: So if this is true, I would hope that you would tell your appointed park board.

Mayor Scarnecchia: I will.

Mr. Mientkiewicz: If.

Mayor Scarnecchia: They know. They know can't.

Mr. Mientkiewicz: If you blow... if you blow...if you blow the wad in two weeks, don't come crying back for more.

Mayor Scarnecchia: Well we can't pay them because we have not authorized that.

Mr. Mientkiewicz: Okay. Like I said I heard this through the grapevine and I wanted to bring this up tonight.

Mayor Scarnecchia: That's it. I understand.

Mr. Mientkiewicz: And if that's the case, I'm very disappointed.

Mayor Scarnecchia: Okay.

President Marino: Anything else, Steve?

Mr. Mientkiewicz: No.

Mr. Pezzano: Yes, I want to thank real quick Trumbull County Engineers department, Randy, Tom and Mr. Papalas. Every year I have to go them to help me out. It's actually an area the city's responsibility but for some reason we cannot get it done. So, I have to go to an outside agency to get it done. So I want to thank them. Thank you.

ADJOURN

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



Nicole Bacak, Clerk of Council



ROBERT MARINO, JR., President of Council