

COUNCIL MEETING MINUTES
March 15, 2017

Niles City Council held its regular meeting on March 15, 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-P, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

It was moved by McNaughton, seconded by Pezzano to accept the Minutes from the March 1, 2017 meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's office

Statement of Cash from Revenue and Expense- February 2017

Mr. Steffey: Nikki, is that for two months?

Clerk: Yes.

Mr. Steffey: Or John?

Clerk: Yes, it's from January through February.

Auditor Merlo: January and February. Yeah.

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

Motion carried

FROM – Auditor's office

Check Report by Check Number- February 2017

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

Motion carried.

FROM – Mayor's office

Letter in regards to renaming the Wellness Center- Clerk read the letter.

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

Motion carried.

President Marino: Members of the audience again if you would like to address Niles city council this evening, please raise your hand and be addressed by the chair. State your name and address for the record at the podium clearly. Anyone like to address council this evening? Mr. Davis, your name and address sir. Approach the podium please.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Paul Davis: 44 Hartzell Ave. Niles Ohio. I don't know where to start. Monday night, I understand our phone system went down at least at the dispatch of the police. Is there any resolution to that?

President Marino: I wasn't aware of that.

Chief Holland: Mr. Dibble advised there was a problem with AT&T not our phones. AT&T customers weren't able to were getting a busy signal when they called the police station. He called AT&T and they rectified the problem that evening.

Paul Davis: I recall asking Mr. Dibble at a council meeting when we were first talking about purchasing a new phone system. What if a router went bad? What if this went bad? What if that happened? What... he had all the answers and Mr. Dibble is not here. Haven't seen him since he talked us into buying that plan. But anyway, he had the

Mr. Mientkiewicz: The plan's cost savings, Paul. That's why we did it.

Paul Davis: I get it.

Mr. Mientkiewicz: It wasn't a sales pitch.

Paul Davis: Uh Steven.

Mr. Mientkiewicz: We were doing it to save money.

Paul Davis: I have the floor right now. You can have it after my five.

Mr. Mientkiewicz: I'm just letting you know. We did it to save money.

Paul Davis: I understand it but if I can't get ahold of somebody because I have AT&T I am a lot worse off than I was with the one that cost me more money. Okay.

Mr. Mientkiewicz: I get it. The problem was rectified the chief said.

Paul Davis: Steven, it was rectified but what about when if I needed a phone call that day.

Mr. Mientkiewicz: Okay Paul.

Paul Davis: I'm sorry.

Mr. Mientkiewicz: Keep going.

Paul Davis: I didn't mean to yell. So, not happy with that but I guess uh... last council meeting I asked for the minutes to put on board and we finally did get them I think two days ago. And what I referred to was Mr. Papalas, in your absence; it was a rant and a scolding of the audience. I felt that maybe some of it was placed at me. Somebody think I am running for office, which I'm not. I wouldn't sit up there on a bet. There's not enough money to get me up there. Anyway, the scolding was quite, quite, quite severe. And it was aimed at a couple I think and possible me, which I said nothing wrong that night. But the minutes seem to have been redacted or edited and don't appreciate that. I understand something was said well may not, might not have been audible. Well I'll tell you what, I don't think anybody back there's having any trouble hearing me and no one had trouble hearing Mr. Papalas that evening up there. Thank you.

President Marino: Thanks Paul. Anyone else wish to address Niles city council? Anyone else? Anyone else? In the opinion of the chair, there being none. Committee reports?

COUNCIL COMMITTEE REPORTS

None.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ____ (Draft No. 24-17)

A RESOLUTION AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO NEGOTIATE AND ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES FOR THE PURPOSE OF REPAIR, MAINTENANCE AND MANAGEMENT OF WATER STORAGE TANKS; AND DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Papalas to table Draft No. 24-17
Motion Carried.

This Draft No. 24-17 has been tabled on the 15th day of March 2017.

RESOLUTION NO. ____ (Draft No. 31-17)

A RESOLUTION APPROVING THE PROPOSED PURCHASING POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by McNaughton to give 3rd reading of Draft No. 31-17

YEAS: 7 NAYS: 0

This Draft No. 31-17 has received its 3rd reading on the 15th day of March 2017.

It was moved by Pezzano seconded by Lastic to adopt this Draft No. 31-17.

YEAS: 7 NAYS: 0

This Draft No. 31-17 has been adopted on the 15th day of March 2017.

RESOLUTION NO. ____ (Draft No. 43-17)

A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFER OF FUNDS FROM THE FIRE DEPARTMENT'S UNIFORM ACCOUNT TO THE FIRE DEPARTMENT'S EQUIPMENT PURCHASES ACCOUNT; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas seconded by Steffey to adopt this Draft No. 43-17.

YEAS: 7 NAYS: 0

This Draft No. 43-17 has been adopted on the 15th day of March 2017.

ORDINANCE NO. ____ (Draft No. 44-17)

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR
TO ENTER INTO CONTRACT FOR THE LEASING OF A NEW LAWN MOWER FOR
THE CEMETERY DEPARTMENT; AND, DECLARING AN EMERGENCY**

It was moved by Steffey, seconded by Lastic to give 1st reading of Draft No. 44-17

YEAS: 7 NAYS: 0

Draft No. 44-17 has received its 1st reading on the 15th day of March 2017.

RESOLUTION NO. ____ (Draft No. 45-17)

**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 McNaughton to suspend the rule requiring three readings.

Mr, Mientkiewicz: Quick question. Did these fees usually are tacked on after the project is completed? Is that what this is, Kevin?

Mr. Robertson: What are these fees for, John?

Auditor Merlo: This was the Gypsy lane storm water. This was the project that happened last year that we're getting the revenue from the grant. It's passed through how we have to show each project in and out now. As we receive the notifications from OWPC

President Marino: Oh yeah this is

Mr. Mientkiewicz: This is for mill and fill, Niles Vienna and Warren Ave. Isn't it?

Auditor Merlo: Which one is this?

Mr. Steffey: Gypsy Lane storm water

Ms. Marchese: Gypsy Lane

Mr. Mientkiewicz: I'm on the wrong one. Sorry.

Ms. Marchese: 45-17 is the Gypsy Lane.

Mr. Mientkiewicz: Okay.

President Marino: We had in the past, members of the audience, the auditors require us now to show in our financial statements when we receive grants, the acceptance of the grants and the payout. Whether the city pays the grant or not, we discussed that during our audit fiscal committee meetings and these are things that John and his leadership and his office are rectifying and making sure that we're doing things in conformity to law. So good job.

Auditor Merlo: As we get the notifications when they come in, we need council to appropriate so we can show as a revenue in and show it as an expenditure.

President Marino: Right.

Mr. Mientkiewicz: Just comes in and out right?

Auditor Merlo: In and out.

President Mario: Yeah.

Auditor Merlo: And that includes, I believe, storm water. There's some ROF money in there too so.

President Marino: Call the roll please.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas seconded by Lastic to adopt this Draft No. 45-17.

YEAS: 7 NAYS: 0

This Draft No. 45-17 has been adopted on the 15th day of March 2017.

RESOLUTION NO. _____(Draft No. 46-17)

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

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

Mr. Mientkiewicz: Alright so this is my question.

Auditor Merlo: This is the same one.

Mr. Mientkiewicz: This is the same one.

Auditor Merlo: Same type of thing.

Mr. Mientkiewicz: Okay.

Auditor Merlo: Money's coming from the grant that they, one of the consultants took a draw down. So they sent us a notification that they took a draw.

Mr. Mientkiewicz: Thanks.

Auditor Merlo: You're welcome.

President Marino: Any others? Call the roll for suspension please.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Papalas to adopt this Draft No. 46-17.

YEAS: 7 NAYS: 0

This Draft No. 46-17 has been adopted on the 15th day of March 2017.

RESOLUTION NO. ____ (Draft No. 47-17)

A RESOLUTION AUTHORIZING VARIOUS APPROPRIATIONS OF AMOUNTS FROM SEVERAL UNAPPROPRIATED FUNDS TO BUILDING REPAIR ACCOUNTS FOR THE REPAIRS TO THE CITY BUILDING; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

Mr. Steffey: I would like to just mention that in talking to my colleagues and talking to the mayor and the service director, I think that it would really behoove our city to make sure that there are two signatures on any change orders or any changes of what we are expecting in service versus what we are paying for. I think that leaving that up to one person, who may or may not be qualified, to able to handle that. Checks and balances would, in my eyes, alleviates some of maybe the problems going forward as well as increasing the communication to council.

President Marino: Well, there's another consideration regarding two signatures. The auditor of the city must sign those.

Ms. Marchese: Exactly.

President Marino: Because we can cannot sign a change order without funds being there. Case in point. So, if the auditor was made aware through the change order process that these cost estimates were coming through, he could have fiduciary veto power to stop it to ensure that appropriations and our spending policies are adhered to. So, Mayor, you and Giovanne need to get together and figure out what process is going to be followed regarding any future construction projects or for that matter any projects in the city. Be it paving or water installations or whatever is going on, our auditor has to be fully informed of the finances because change orders, my experience has been generally you get a credit over here and it costs you a ton over there. So

Auditor Merlo: Just to be clear, with the building repairs on the interior the change orders for that, those were provided by Sekanick and both myself and the service director signed off on. So, those I was aware of. It's the ones in between the final bill for Servicemaster and the first bill of Servicemaster. There were in between invoices of work that was authorized to be done.

President Marino: John, this is just another indication of a lack of administrative control and administrative oversight in the city.

Auditor Merlo: I don't disagree with you.

President Marino: That's the bottom line. And I know council, we all get banged around for all of the sins of the past. In this case, every one of us were trying to keep a handle on what was going on and here again we have... there was a gap in administrative oversight.

Mr. Papalas: Mr. President, Ryan and I were talking about this before the meeting also. We are right in line with what you are saying Barry. What we're thinking is, at least two people sign off on these change orders even before they reach the auditor. Somewhere in the very beginning, Tom should have been on this and obviously wasn't. And we need to have this built in I don't know if we need to do with an ordinance or resolution or actually it's common sense but in this case that didn't happen.

President Marino: Well what happens is, devil's advocate, we sign the change orders.

Mr. Papalas: Yeah.

President Marino: You and I. And it goes up to him and he comes down and says "Bob and Steve, there's no money there to pay that." And we already signed it. The CFO of the city has to be involved in this process for budgeting purposes.

Mr. Papalas: Maybe three.

Mr. McNaughton: Well then maybe two in addition to the

President Marino: Well

Mr. Papalas: Correct. Three people then.

President Marino: Then the mayor

Mr. McNaughton: That's judge, jury and execution.

President Marino: Well, he carries a lot of financial authority.

Ms. Marchese: He has to be involved.

President Marino: All of it. When I said back at the beginning is the auditor and the mayor need to get together along with, I left out Terry Swauger I apologize, our law director and put some procedure together to ensure that this doesn't happen again. So, we're all saying the same thing. We're all on the same page.

Mr. Papalas: We are. We are. I have confidence that it won't happen again. We have a person whose more responsible than that and so forth but um in his place now. But just in case that happens or service director is ill and he is absent when the issue comes up what do we do. I'm concerned about that.

President Marino: I would like pick up with your last suggestion Steve is that whatever is done is passed by ordinance. Because what I've learned in spending my time with all of our friends.

Mr. Papalas: Yup.

President Marino: Is that if it's codified and someone breaks or violates the ordinance, they get the full effect of all of Ohio Revised Code and all of things that go with it so.

Mr. Papalas: Well

President Marino: So whatever you three come up with, I would hope that it would go to city council so it has legal teeth attached to it.

Mr. Papalas: Terry, can you can you consider this with us and draw something up roughly just to see what you think. If it's doable.

Law Director Swauger: I will do that. I will look at the contract language for most of the projects. My concern would making sure that if we get a grant that we are in compliance with whatever they require.

President Marino: Yeah.

Law Director Swauger: So that we don't pass an ordinance that gets us into trouble with federal grants or something of that nature. But I will look at the grants and get you guys some language or some kind of proposal in conjunction with Giovanna and the mayor.

Mr. Papalas: Okay.

Law Director Dull: That we can look at.

Mr. Papalas: That's very helpful. Thanks.

President Marino: Thank you.

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 47-17.

YEAS: 7 NAYS: 0

This Draft No. 47-17 has been adopted on the 15th day of March 2017.

MISCELLANEOUS REMARKS

President Marino: Stephanie, I read in the paper that we're going to now use the auto estimator for bills right?

Ms. Ford: No, only if I have I absolutely have to.

President Marino: Only if you absolutely have.

Ms. Ford. Uh huh.

President Marino: The reason I ask is about a month ago, you and the auditor and I had a conversation and you shared with you that you had no faith in the auto estimator.

Ms. Ford: Well I contacted the software company and got other options on how that works. And they did come to a conclusion that it would work.

President Marino: So, in a month we've figured that out?

Ms. Ford: Yes.

President Marino: Good. Okay. Thanks. Because I want to make sure that what I'm being told is 100% correct.

Ms. Ford: Yes they figured it out.

President Marino: Okay that's good.

Ms. Ford: It should be accurate.

President Marino: Well it better to accurate. It better be.

Ms. Ford: It will be.

President Marino: Good. Mayor, any comments?

Mayor Scarnecchia: Yes, I'd just like to restate I think, excuse me again, tonight thanks to the people of this town, we swore in three new patrolmen, a new captain and a new lieutenant. So, I thank the people of Niles. Other than that, that's it.

President Marino: Thanks mayor.

Chief Holland: I'd like to report that during the recent the snow parking ban, we issued the officers wrote over 50 citations and towed two vehicles that didn't respond to the actual citations.

President Marino: Thank you.

Mr. Papalas: Thanks chief.

Chief Danielson: I wanted to give council and update on the guy we have going through the testing for the 6th safer grant. He is moving right along and it looks like he should be hired for the 1st... week beginning April 2nd. He is doing his last test now and we couldn't get him done in time to get him ready for Sunday so it's looking like April 2nd he should be in the department.

Mr. Steffey: Great. Thanks chief.

President Marino: Thanks chief.

Mr. Lastic: Yes I just, you know, as a councilman you always say " why do we do this?" And tonight is Mr. Pezzano's birthday and he showed up at a council meeting. And he even had

Ms. Marchese: His wife.

Mr. Lastic: Told his wife I'm going to take you out on my birthday and she said good. However she didn't know it was a council meeting.

(Inaudible)

Mr. Lastic: Happy Birthday.

President Marino: Happy Birthday.

Mr. Pezzano. Thank you.

President Marino: What a way to spend your birthday.

Mr. Papalas: Frank, if we'd have known it was your birthday, we would have bought a cake. I have a couple of things to say. One is that I looked at those minutes also. I didn't see anything that was redacted. And I think that any statement that I was overbearing or aggressive is ludicrous. Whatever I said, I'd say all over again. No problem with that. Actually, I have heard a lot worse stated in here by people in this room and when the say comes that I'm not allowed to talk or say something in the way that I want to say it, well then we aren't living in America. The other thing I want to ask about is this: Mayor, you submitted this letter, so what's the name change? And I see it capitalized- Name and Change. Is that the.

Mayor Scarnecchia: Name change. We've been working with groups and that are, once again, very interested. I'm trying to the best I can.

Mr. Papalas: What do you want done? What?

Mayor Scarnecchia: We want to take down the name. The current name on there and call it the Niles Wellness Center. For the simple reason, the groups or group that wants to come in and they are really interested to expand our procedures but they don't want... they don't like the name on the building.

Mr. Papalas: Okay. Do we want an ordinance brought in council as a whole?

Mayor Scarnecchia: You need an ordinance.

President Marino: The law director, Terry, would you guide them on what needs to take place for this.

Law Director Swauger: You would need an ordinance repealing your prior ordinance naming it that name.

Mr. Papalas: The ordinance that you brought in right, Tom. When you were on city council?

Law Director Swauger: There was an ordinance that was passed by council and you have to have council pass an ordinance repealing that ordinance.

Mr. Papalas: I remember that now.

Ms. Marchese: Plus would check with attorney Newman being that the park's board has full control of that and has to make sure I've checked with to make sure that before we do this.

Law Director Swauger: It doesn't matter. We named it.

Ms. Marchese: They wouldn't have to give a letter?

Law Director Swauger: You passed an ordinance naming. You can pass an ordinance repealing it.

Ms. Marchese: Okay that's what I needed to know.

Mr. Papalas: So, we need an ordinance. Do we.

Law Director Swauger: It needs to be council as a whole.

Mr, Lastic: Council as a whole.

Law Director Swauger: Or a committee would have sponsor that ordinance.

Mr. Papalas: Council as a whole?

Mr. Lastic: Yes

Ms. Marchese: Council as a whole?

Law Director Swauger: If you want, I will have my office draft an ordinance.

Mr. Papalas: Yeah.

Law Director Swauger: For all of you and make sure it's council as a whole.

Mr. Papalas: If this is going to facilitate somebody coming in.

Law Director Swauger: I will do that.

Mr. Papalas: Yes. Thank you Terry.

Law Director Swauger: You're welcome.

Mr. Papalas: I don't have any other comments.

Mr. McNaughton: Thanks. I just want to congratulate and welcome our new police officers in town as well as those who received their promotions. I know they worked extraordinarily hard and the great irony is that was a year ago tonight that we celebrated the passage of the levy. So, levy dollars at work. So thank you to the citizens for allowing that ceremony to happen tonight. Best of luck and continued success chief. That's it.

Ms. Marchese: Just real quick again congratulations. And chief also too as I was sitting here, I got another text. Apparently when you towed them on High street.

Chief Holland: I don't know where they towed them from.

Ms. Marchese: Oh okay well down at the bottom

Chief Holland: I know they towed some.

Ms. Marchese: The problem is still going. The minute the police leave, they go pull them right back out there. Even I just got four complaints on that so I thought let me bring it up now.

Chief Holland: Okay.

Ms. Marchese: Okay.

President Marino: Frank, may I ask one question? Actually Tom, I need to talk to you right after. Mayor, can I talk to you right after the meeting? I want to ask you a question right after the meeting.

Mayor Scarnecchia: Certainly.

President Marino: Thank you. Mr. Pezzano. I was going to ask it here but I will just wait.

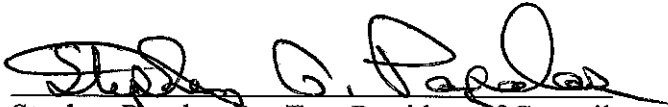
Mr. Pezzano: I just want to thank all of the departments in the city because I pretty much went to all of the departments this past month to help us out in the first ward and Mr. Crowley and Mr. Vigorito are working on something really big right now. And we are going to set up a meeting as soon as I get word from you two. Thanks a lot.

ADJOURN

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



Nicole Bacak, Clerk of Council



Stephen Papalas, Pro Tem President of Council