

**COUNCIL MEETING MINUTES**  
**July 10, 2019**

**\*Audio recording of full meeting will be available on line on the city's website\***

Niles City Council held its regular meeting on July 10, 2019 at 6:00 p.m. at the Wellness Center in Niles, Ohio.

The meeting was called to order by Council President Barry Steffey Jr., and the Clerk, Nicole Bacak, called the roll:

Lastic- P, McNaughton-P, Profato-P, Cantola-P, Marchese-P, Smith- P, Kearney-P, Steffey-P

It moved by Smith, seconded by Kearney to amend this evening's agenda to recognize our first responders.

Motion carried.

Mayor Mientkiewicz stated that last month, the city of Niles had a very tragic and unfortunate house fire on Scott Street. We lost two members of our community that day. Our hearts go out to the Crist and Scarnecchia families. Mayor Mientkiewicz said that the city wanted to show their appreciation to the first responders for their efforts, courage and bravery during that situation.

Chief Danielson wanted to stress that even though it was a fire, it wasn't just the fire department. Between the fire department putting the fire out and getting people out of the house and the police department employees were jumping in and helping out in any way needed. He also wanted to recognize Lane ambulance service for their help. If it wasn't for the cohesiveness of all three departments working together, this situation could have been a lot worse.

Chief Danielson pointed out that Ugo Scarnecchia, who is the father of Diane Crist (one of the survivors) is here this evening. Mr. Scarnecchia said that his daughter was released from the hospital a couple of weeks ago. The only damage she had to her upper airway. He is very thankful that Lane was there with paramedics to help keep her airways open until she got to the hospital. Mr. Scarnecchia said he would have lost all four members of this family if it wasn't for the Niles Fire Department. His daughter wouldn't have been able to stay in that fire for much longer so he is grateful for their fast response. He said we are very fortunate to have a police and fire department like this.

Mayor Mientkiewicz, Chief Danielson and Chief Holland recognized the first responders who helped assist in the fire. The first responders were each presented with a lifesaving award for outstanding performance in the saving of a human life.

Mayor Mientkiewicz, Chief Danielson and Chief Holland first recognized the police officers with their awards. Those police officers who were honored are: Captain Robert Miketa, Lieutenant Patrick Cox, Officer Kegan Brady, Officer Jennifer Young, Officer Jeffery Walp.

Next, Mayor Mientkiewicz, Chief Danielson and Chief Holland recognized the firefighters with their awards. Those firefighters who were honored are: Lieutenant Ron Freel, Firefighter Ron Danadic, Firefighter Jerry Kirkwood, Firefighter Greg Rowley, Firefighter Michael O'Connell, and Firefighter Thomas Harklerode.

Police Chief Holland accepted an award for Dispatcher Bridgette Coleman who also was involved in this incident. Police Chief Holland said the 911 call was heart wrenching to listen to and Ms. Coleman stayed with Mrs. Crist the entire time and kept her talking until the first responders were able to get to her. She did an excellent job and got them dispatched very fast. Mr. Scarnecchia thanked everyone for all that they did.

It was moved by Marchese, seconded by Kearny to accept the Minutes from the June 19<sup>th</sup>, 24<sup>th</sup> and 26<sup>th</sup> meetings and place them on file.  
Motion carried.

### **REPORTS AND COMMUNICATIONS**

**FROM – Auditor's Office**

Statement of Cash from Revenue and Expense- June 2019

It was moved by Smith, seconded by McNaughton to accept and place it on file.

Motion carried.

**FROM – Auditor's Office**

Check Report by Check Number- June 2019

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

Motion carried.

**FROM – Ohio Division of Liquor Control**

Notice to Legislative Authority- To: Signhghotra LLC from ISHAAN LCC DBA EZ Shop and

To: Jim John LLC from Buckeye Vienna Beverage

It was moved by Smith, seconded by Marchese to refer both requests to the Police Chief for his approval.

Motion carried.

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

(Public comments began at 10:50 into recording)

George Lawrence: 26 Potomac, Niles. Mr. Lawrence stated he is here on behalf of the citizens of Niles. He was a foreman for the Water department and was employed for 30 years. The city

never charged anybody to replace the water line, from the main line to the property. And now they are doing it and it is going to cost the citizens \$6000.00 to have that done. He feels that is ridiculous. He doesn't feel that the citizens should have to pay this. Mayor Mientkiewicz replied to Mr. Lawrence that the water line from the street to the curb box is the responsibility of the city. The water line from curb box to the home is the responsibility of the home owner.

Mr. Lawrence understands that but he is also talking about the sewer line. The sewer lines were put in by tax payers. He doesn't know why they would have to pay for it again if something goes wrong with it in the street. Law Director Zuzolo stated that this is what the law is in the 11<sup>th</sup> district. He is referring to the common law for the 11<sup>th</sup> district. Law Director Zuzolo pointed that that tax payers would be paying for the lateral tie. Mr. Lawrence feels that since the tax payers already paid for this then why would citizens have to pay for it again. Law Director Zuzolo said all of the city would be paying for this. Law Director Zuzolo said this doesn't mean that he agrees with the law but that is what the law is. Mr. Lawrence said the law was made by an engineer who is no longer an engineer. He thinks that council should get an ordinance put together and charge people monthly. And the money would be maintained.

Jeff McCormick: 104 Potomac Niles. Mr. McCormick has an issue with the new water meters. If you use 1000 gallons, you get billed \$13.03. If you don't use 1000 gallons, you get billed a minimum. Mr. McCormick feels that you are getting billed over and over for the same water. He said if you go away for a month, you get billed \$12.03. He used 1000 gallons and got charged \$13.03. He thinks people are getting billed for way more than what they are using.

Mr. McCormick said if you use 500 gallons, you get billed the minimum. And then the next month when you hit 1000 gallons, you get billed for the 1000. You are paying for the whole thing. He is divorced man who lives alone and this hurts him. President Steffey asked him for this information so he could follow up with him after the meeting.

See Seeban: 611 Warren Ave. Niles, Ohio. Mrs. Seeban had a question about the bocce court in the park. She has visited numerous other courts. She wants to know why the bocce court isn't being taken care in the park like the baseball fields are. President Steffey said it does need some attention. Mrs. Seeban stated that she has people who would like to come in and do leagues there. The court in the park used to be one of the nicest courts a long time ago.

Mrs. Seeban went out to the court to see how much sand was laid down. She said you don't put sand down on the bocce court. You put limestone down and eventually that packs down and makes cement. She came out and dug up the court and found that there is 4 inches of sand there. She would like to know why this isn't on the list to be upgraded in the park. She is going to take this to the park board also. She has already called around to get quotes from companies to get material delivered. She should be able to play bocce in her hometown.

President Steffey said he knows there were critical updates that needed to happen but maybe we could look at getting this on the next round of updates. He told Mrs. Seeban he would follow up on this for her. Mrs. Seeban stated that she has rented the pavilion for August 17<sup>th</sup> and is expecting at least 500 people and she wants to play bocce. President Steffey said he cannot promise this for her but he will follow up on it for her.

George Kuriatnyk: 52 Morningside. Mr. Kuriatnyk has a few issues with the park grant. He said that the city submitted to the state that there would be a metal roof taken care of on the big pavilion and there is no metal roof. He was told that the Park Director couldn't find anyone to come out and give him an estimate. He called three different companies on Monday and they all said they would come out on Thursday after council and give an estimate. He isn't sure why he can't find anyone to give him a quote.

Next, there is a mulch issue. There was a giant pile of mulch in Waddell Park. He has been told over and over again that this park grant money was going to be for Waddell Park only. He tried to get invoices for the mulch that is being used at other parks and he can't get any. He says the reason is because the mulch was taken from the grant money for Waddell Park to the other parks. Mr. Kuriatnyk said this is an illegal use of the money.

Another thing that Mr. Kuriatnyk has an issue with is the budget. The park has a budget of \$995,000 and council just gave another \$60,000 a couple of weeks ago. The city also applied for another extension with the grant through December. If we don't use it, it will be lost. He wants to know what they can't do now in the summer that would be done in December. He thinks the money will end up being spent on the Wellness Center. He doesn't know what is so hard about spending this money. The money has been wasted for 2 years now. The parks are in worse shape now.

President Steffey said he believes it is the intent of the administration to fulfill the grant and use all of the money in the park this year. Mr. Kuriatnyk says it is up to the board to decide where that money goes and they have no idea what is going on.

It was moved by Smith, seconded by Kearney to adjourn into executive session pursuant to section 121.22 G4 of the ORC to speak about compensation of public employees.  
Motion carried.

Council adjourned into executive session at 6:28 P.M.

It was moved by Kearney, seconded by Marchese to adjourn from executive session.  
Motion carried.

Council reconvened from executive session at 6:49 P.M.

### **COUNCIL COMMITTEE REPORTS**

None

**ORDINANCES AND RESOLUTIONS**

(Legislation began at 28:42 into recording)

**RESOLUTION NO. \_\_\_\_\_ (Draft No. 85-19)**

**A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH YOUNGSTOWN STATE UNIVERSITY FOR GRANT WRITING SERVICES; AND DECLARING AN EMERGENCY**

It was moved by Smith, seconded by Marchese a third reading to this Draft No. 85-19

**YEAS: 7    NAYS: 0**

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 85-19

**YEAS: 7    NAYS: 0**

This Draft No. 85- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_\_ (Draft No. 86-19)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE GENERAL FUND MISCELLANEOUS CONTRACTED LABOR ACCOUNT FOR THE PAYMENT OF THE YSU GRANT WRITING SERVICES; AND, DECLARING AN EMERGENCY**

It was moved by Smith, seconded by Lastic a third reading to this Draft No. 86-19

**YEAS: 7    NAYS: 0**

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 86-19

**YEAS: 7    NAYS: 0**

This Draft No. 86- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 94-19)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WWTP DESIGN and IMPROVEMENT FUND 403 TO THE WWTP EQUIPMENT PURCHASE ACCOUNT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Smith, seconded by Lastic to adopt this Draft No. 94-19.

**YEAS: 7    NAYS: 0**

This Draft No. 94- 19 has been adopted on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 95-19)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE A 37' AERIAL UNIT TRUCK FOR THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 1 (Cantola)**

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 95-19.

**YEAS: 6    NAYS: 1 (Cantola)**

This Draft No. 95- 19 has been adopted on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 106-19)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 149.10; AND,  
DECLARING AN EMERGENCY**

It was moved by Cantola, seconded by Lastic to give a second reading to Draft No. 106-19.

**YEAS: 7    NAYS: 0**

This Draft No. 106- 19 has received its 2<sup>nd</sup> reading on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 111-19)**

**A RESOLUTION AUTHORIZING MONTHLY CASH TRANSFERS; AND,  
DECLARING AN EMERGENCY**

It was moved by Smith, seconded by Kearney to suspend the rule requiring three readings.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Smith, seconded by Kearney to adopt this Draft No. 111-19.

**YEAS: 7    NAYS: 0**

This Draft No. 111- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 112-19)**

**A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET FOR  
THE FISCAL YEAR BEGINNING JANUARY 1, 2020; AND DECLARING  
AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Kearney, seconded by McNaughton to adopt this Draft No. 112-19.

**YEAS: 7    NAYS: 0**

This Draft No. 112- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_\_ ( Draft No. 113-19)**

**A RESOLUTION REPEALING RESOLUTIONS NOS. 30-19 AND 59-19 AND REPLACING WITH A RESOLUTION THAT THE CITY OF NILES WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE CITY OF NILES PURSUANT TO INTERNAL REVENUE CODE SECTION 414(h)(2); AND, DECLARING AN EMERGENCY.**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 113-19.

**YEAS: 7    NAYS: 0**

This Draft No. 113- 19 has been adopted on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_\_ ( Draft No. 114-19)**

**AN ORDINANCE AUTHORIZING THE CITY TO PARTICIPATE IN THE 2019 RITA SUBPOENA PROGRAM TO COMPLY WITH THE PROGRAM DEADLINES; AND DECLARING AN EMERGENCY**

Mayor Mientkiewicz asked council for this to be suspended this evening. He reminded council that the delinquent taxes owed to the city of Niles is approximately \$500,000. That has always been a problem. We have all of this money owed to the city but could never go after it. When



deciding to go with RITA, this was something the city took into consideration. They will go after this money that is owed to the city.

Ms. Marchese asked how far back can they go and collect on. Treasurer Telago said it was 4 years. Treasurer Telago explained that RITA is connected with IRS. They compare records that are filed with the IRS to those of Niles taxpayers. This is how they come up with a list of delinquent tax payers. This is something the city has never been able to do. People will have the option between September 16<sup>th</sup> -18<sup>th</sup> to come and address their subpoena instead of going to court. If they do not get it corrected, they will go to court.

Mr. Profato said there is an advantage to them getting a subpoena. The court will be involved with this now and they should comply.

It was moved by Kearney, seconded by Profato to suspend the rule requiring three readings.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Profato, seconded by Smith to adopt this Draft No. 114-19.

**YEAS: 7    NAYS: 0**

This Draft No. 114- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 115-19)**

**A RESOLUTION AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE NORTH ROAD WATERLINE REPLACEMENT PROJECT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by Kearney to adopt this Draft No. 115-19.

**YEAS: 7    NAYS: 0**

This Draft No. 115- 19 has been adopted on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 116-19)**

**AN ORDINANCE AMENDING CHAPTER 163, “EMPLOYEES 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**

Ms. Marchese asked what was being changed on this. Auditor Merlo explained there are only changes to the pension and retirement incentive sections.

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Smith, seconded by Kearney to adopt this Draft No. 116-19.

**YEAS: 7    NAYS: 0**

This Draft No. 116- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 117-19)**

**FINAL RESOLUTION LEGISLATION (Regarding resurfacing of SR 169 from South Cleveland Avenue to the Niles Eastern Corporation Limit.)**

It was moved by Smith, seconded by Kearney to suspend the rule requiring three readings.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft No. 117-19.

**YEAS: 7    NAYS: 0**

This Draft No. 117- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 118-19)**

**A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE FRATERNAL ORDER OF POLICE LODGE (FOP) NO. 27 REGARDING A NEW LABOR CONTRACT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Kearney, seconded by Marchese to adopt this Draft No. 118-19.

**YEAS: 7    NAYS: 0**

This Draft No. 118- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 119-19)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND 503 TO THE SEWER DEBT REPAYMENT ACCOUNT; AND DECLARING AN EMERGENCY**

Mr. Cantola asked if this is just a repayment back to the general fund. President Steffey said yes.

It was moved by Cantola, seconded by Smith to suspend the rule requiring three readings.

Auditor Merlo interjected and said that was not correct. This legislation is about the \$35 million loan for the plant. The budget the city did originally was for a payment of \$1.7 million and the total payment would be for \$1.9 million. Trumbull County and McDonald will stay pay their share however; the city is being billed for the entire \$1.9 million up front. When the budget was done, the city only budgeted for the city's portion. The city will have to pay the entire note and then bill Trumbull County and McDonald to pay back the city. Once the city makes the payment, we will bill those entities for their portion. There is no money going back to the general fund.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Cantola to adopt this Draft No. 119-19.

**YEAS: 7    NAYS: 0**

This Draft No. 119- 19 has been adopted on the 10th day of July 2019.

**RESOLUTION NO. \_\_\_\_\_( Draft No. 120-19)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED CAPITAL PROJECT FUND 401 AND FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE FOLLOWING FUND ACCOUNTS; AND, DECLARING AN EMERGENCY**

Ms. Smith stated that this for the project on Robbins Ave. This is the city's matching portion.

It was moved by Smith, seconded by Cantola to suspend the rule requiring three readings.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Smith, seconded by Kearney to adopt this Draft No. 120-19.

**YEAS: 7    NAYS: 0**

This Draft No. 120- 19 has been adopted on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_\_( Draft No. 121-19)**

**AN ORDINANCE PROVIDING THAT THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR THE LATERAL TIE IN AS PREVIOUSLY ESTABLISHED BY THE OHIO COMMON LAW OF OHIO AND DECLARING AN EMERGENCY**

It was moved by Cantola, seconded by Marchese to give a first reading to Draft No. 121-19.

**YEAS: 7    NAYS: 0**

This Draft No. 121- 19 has received its 1<sup>st</sup> reading on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 122-19)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. “1301.05, “APPLICATION FOR PERMIT” AND CODIFIED ORDINANCE NO. “1301.06, “PERMITS”, AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Marchese, seconded by Cantola to adopt this Draft No. 122-19.

**YEAS: 7    NAYS: 0**

This Draft No. 122- 19 has been adopted on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 123-19)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. “1109.02, “OCCUPANCY AND USE PERMITS”, AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Marchese, seconded by Cantola to adopt this Draft No. 123-19.

**YEAS: 7    NAYS: 0**

This Draft No. 123- 19 has been adopted on the 10th day of July 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 124-19)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. “1131.02, “REGULATIONS FOR ACCESSORY BUILDINGS”, AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Kearney, seconded by Profato to adopt this Draft No. 124-19.

**YEAS: 7    NAYS: 0**

This Draft No. 124- 19 has been adopted on the 10th day of July 2019.

### **MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 52:27 into recording)

Mayor Mientkiewicz told council that the quarterly newsletter will be going out towards the end of the month. He asked if any council members have any updates or messages that they would like to see in the newsletter to let him know and he will have it added.

Law Director Zuzolo wanted to clarify about the lateral tie in legislation. It is not a Niles law. The 11<sup>th</sup> district and several other appellate districts have found this. The rationale was that all tax payers would be subject. We can't spend tax payer money on things that the law has said is not city responsibility. He is not unsympathetic to the situation but this is right from the 11<sup>th</sup> district.

Mayor Mientkiewicz said the purpose of this is to avoid these arguments and conversations. They want to get this codified so it becomes city law so there are no deals and no arguments. Mr. Cantola asked if we have to have this or is it just something we want because not every community has this ordinance. This is something we want to impose on our residents. Mayor Mientkiewicz stated this is something we are already doing. We already follow the legal opinion and he would like it to be codified because he doesn't want to be put in a position to potentially do something illegal. And if we start doing it for one person, then we better open up the checkbooks because it's going to cost millions.

Mr. Cantola stated that he thinks there are other options we should look at also. Whether it's a small addition to monthly bills and that money would go into a specific fund for the city to draw from in order to do these projects. Or if we can look at doing a 50/50 program where the city and the homeowner would split the cost of this down the middle. He can't see a resident being responsible for cutting into the asphalt on the street.

President Steffey interjected. He said one of the reasons he ran for council in April of 2011 was because he was mowing the grass near his curb and he noticed a hole that turned out to be the

beginning of a sink hole. He contacted a plumber and the city about this. The city blocked off the hole and his plumber didn't find anything. President Steffey had a standoff with the city for 6 months about this issue because they left a steel plate in front of his house. Before winter, they came back and fixed it but they added \$2,950.00 onto his electric bill. For two and half years, he paid this and learned it the hard way.

Mr. Cantola just thinks we should look at all options. He said we don't have a high end community that our residents have the funding to do these projects. The jobs aren't out there. He isn't saying it is wrong or right. He is just saying we need to look outside the box for different ways to handle this. He doesn't just want to keep going back to the residents. We have increased taxes, passed levies and the residents keep giving. We can always come back and say this was a bad idea and it didn't work but at least we tried.

Mayor Mientkiewicz said if they tell them no and it's up to you to eat that cost, you are damned. If you put on an additional service fee or raise the fees, those are also a cost to tax payers. Either way, it is a cost to the tax payers. His theory is to stop any argument and to protect the city from any sort of wrong doing.

Ms. Marchese asked if there was any way that the city could work with an insurance company, like Dominion, which has an outside company and they add extra fees onto her bill every month. And this takes care of the area from her street to her home. She wants to know if the city could do a program like that. Mayor Mientkiewicz said there are programs like that out there. If we were to take that on, then an incident like the water break that our whole crew was on for 8 hours straight, we would have to pull them off of that job to go and replace service lines. It's too much work to take on. We don't have the manpower to do it.

Mr. Cantola said if you make it known that this money is going specific to that fund, then it will always be there for these purposes. It is easier to pay \$5.00 a month than paying \$6000.00. President Steffey said it would be worth having a committee meeting to discuss this. Mr. Profato asked Law Director Zuzolo since this is a legal matter, would it supersede any codified ordinance the city would pass. Law Director Zuzolo said no because it's common law. It is still open to litigation. Common law changes but when it becomes codified that is different because we have a home rule. This would ensure more certainty on our part that no litigation is coming. This is more about keeping the city safe. Mr. Profato said that was his concern also because it could cost the city more in the long run. He agrees that he doesn't want to put any burden on the tax payers but once it becomes a legal matter, you are going to be paying somebody.

Mr. Telago informed everyone that they have balanced for June for reconciliation. The interest program is working very well and as of the end of June we have earned a little over \$200,000 for the year.

Mr. Crowley just thanked Law Director Zuzolo and council for passing the zoning ordinances this evening. It will help the citizens of Niles get the necessary permits they need.

Mr. Catanzarite wanted to comment on the lateral tie in. Nothing against anyone's comments but when they go digging water and sewer lines up, they are not nice easy digs. There are always

underground things that are out of sight and unseen. He just wanted everyone to keep that in mind. His crew has done a great job of getting fire hydrants exchanged and extra replacements on the meters. He agrees with the Mayor that he doesn't have the man power. The WWTP is down to just a few little issues. They are looking to have an open house in September.

President Steffey reminded everyone that the next council meeting isn't until August 21<sup>st</sup>. He advised everyone to get with their committees and talk during this break and check with the department heads.

Mr. Kearney asked if there has been an influx in calls regarding the water meter issues. He has a neighbor who had the water department out there because the meter isn't working right. Mayor Mientkiewicz said that periodically they might get a call that the meter is faulty or the MIU on the outside of the house is not working. If the city does get those calls, the customer service employee does go out to assess the problem. He also suggested that people flip over their bill to make sure that it says ACT because if it doesn't then they have an estimate bill and there might be something wrong with the meter.

Ms. Marchese said on Saturday, July 27<sup>th</sup>, a committee started to raise money for benches on the bike trail is having an event. It starts at 10:00 A.M. in the morning. Ms. Marchese said people have contacted her about buying a bench. She wants to know if there is a limit that he is limiting this to. Mayor Mientkiewicz said from the beginning he has always said this is only for 1-2 at the most 3 benches. He does not want to litter that trail with benches and create more maintenance. Mayor Mientkiewicz said he travels that bike path quite frequently in the summer. The intent of that path was for bikers. There are some walkers on that trail but there is not a need for a dozen benches on that trail.

Ms. Marchese asked how much trail we have. Mayor Mientkiewicz said we have approximately 2 miles of trail and there is a bench in the middle. He said it was discussed right up front with the committee about the benches. He has also heard that there are multiple benches and people are going to donate. If we are going to donate benches, we do have other benches around town that are rotted and falling over. If people want to donate and replace those benches, that is fine. He talked to someone the other day who was involved in the designing of this bike trail. It was professionally engineered and designed by architectures and engineers. There was not a need for a lot of benches. The intent was to move bicyclists from point A to point B and not stop and congregate or vandalize that trail.

Ms. Marchese talked about the benches they have in Mesopotamia. They have benches at the beginning of their trailhead. And they are not the wooden benches that the city has but they are very nice benches. Ms. Marchese asked if there were any laws or guidelines written up about this when it was designed. Mayor Mientkiewicz said they consulted with bicyclist groups when these trails were put in. On Saturday morning, he rode on the bike trail to Cracker Barrel. When it turns into Mill Creek Metro Park, there are two benches in the area from out past 76 to Cracker Barrel. Although he thinks it is a great gesture, he does not see a need for it.

Mr. Sollitto commented from the audience about handicapped individuals and those in wheelchairs being able to use the bike trail. President Steffey informed him that he cannot



comment during this time. Mr. Sollitto said it is too late to escort him out and he better get used to telling him not to comment because he is going to be doing a lot of that. President Steffey reminded him again that he cannot comment during this time.

Ms. Marchese admitted she has never been on the bike trail and asked how many benches are there. Mayor Mientkiewicz explained there are a few at the beginning of the trail head, one at the halfway point and then one when it crosses over to Weathersfield. Ms. Marchese asked again if they could add a few more. Mayor Mientkiewicz said he told them two benches.

Mr. Cantola had a couple of things to go over. He asked if the city did have its round of mosquito spraying. Mayor Mientkiewicz said yes. It wasn't Monday because of the rain but it was the following day on Tuesday. We have another spray scheduled for July 22<sup>nd</sup>. Next, Mr. Cantola wanted an update on where we were moving the employees into the new water building. It was passed an emergency and everyone did a lot of leg work to purchase a new building and get this moving. Mayor Mientkiewicz said bulk materials will be moved in next week.

Mr. Cantola asked if we a specific EPA contact person because he is receiving calls from the Wilson area on the issues with the flooding and sewer backup. He would like someone to come in and go over the plan. These people deserve better from the city. He has a feeling these people are going to start contacting people so he is trying to head it off.

Lastly, Mr. Cantola said he is not going to stop with West Park. He doesn't know where we are with our street resurfacing and funds, but West Park is bad. He wants to know if there is any way we can pull money ahead and replace the funding from Federal Grant money. It is the worst street in the city and it is in the 4<sup>th</sup> Ward. He feels there are other streets getting replaced that are years better than West Park. He thinks our residents deserve better. Mayor Mientkiewicz said when we increase our street resurfacing budget next year; we can definitely look at that.

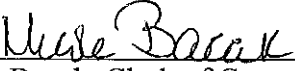
Mr. Robertson said the cost of that road because of the size would be about \$175,000.00. Mayor Mientkiewicz stated that the city's street resurfacing fund is \$400,000.00 but if council would like to increase that do West Park or move streets around, he is proponent for street resurfacing, water line replacement. That is what we need to do because it was put off for far too long. It is a funding thing. We can either front the money and eat the cost ourselves or wait until 2021 and get it done on a Federal grant. Mr. Cantola said it is not going to last two more years. Mr. Cantola said he would sponsor the legislation for this to get now.


Mr. Cantola asked if the utilities and infrastructure committees had an issue with him sponsoring it since this would fall under their committees. He doesn't want to step on anyone's toes but he will put his name on any paper to do this. Mr. McNaughton said they should have a conversation about this. He shares the Mayor's passion about infrastructure as well. Ms. Marchese asked if council could be present when they pick what roads are to be done in the wards. Mayor Mientkiewicz reminded everyone that we have a street resurfacing program that Mr. Robertson compiled a couple of years ago when we were looking to getting back into this. We are working that program. There are no names being pulled out of a hat and the streets that are being repaved are as bad as West Park.

Mr. Cantola said to each its own with their opinions. He does not think that road will make two more years. He has no problem as a council person sponsoring the legislation to increase funds for street resurfacing. Mayor Mientkiewicz said we will look at this at the next budget process. He was being facetious when he said to do it in August. We do want to fiscally responsible. We will not do it this year. We will look at it during the budget process next year. If we have the funds available, then we can. Mr. Cantola said if that's the best we can do then okay. If he has to wait 6 months, that's better than waiting 2 ½ years. He will take it.

**ADJOURN**

It was moved by Lastic, by Profato to adjourn the meeting.

  
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Nicole Bacak, Clerk of Council

  
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Robert Marino Jr., President of Council