

COUNCIL MEETING MINUTES
September 4, 2019

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

Niles City Council held its regular meeting on September 4, 2019 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

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

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

It was moved by Marchese, seconded by Kearney to accept the Minutes from the August 21st meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Treasurer's Office

Letter in reference to RITA subpoenas for City of Niles residents

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 1:18 into recording)

David DeChristofaro: 1128 Shadowridge Dr. Niles, Ohio. Mr. DeChristofaro is at council to represent the 89 families of the Shadowridge Villas. Mr. DeChristofaro started by asking council to allow him a few extra minutes if he runs over the 5 minutes that he is allotted. Mr. DeChristofaro stated that he is at council this evening as a follow up to a letter that he sent to the administration and to council back on August 9, 2019. He wanted to thank the Mayor and council by including Shadowridge Drive as part as the city resurfacing program this year. Their street had experienced pavement deterioration and slipping of the pavement for several years since it was last paved. It was in need of resurfacing and he was thankful that the administration took this into consideration.

His concern is that the resurfacing that was recently completed will not achieve the useful life of 12-15 years. He is concerned they will see considerable deterioration well in advance.

First, on August 1st when the milling of the existing asphalt was done, they only milled (by his measurements) 1/8 to 1/4 inch of asphalt along 21 out of the 45 driveways on Shadowridge Drive. Mr. DeChristofaro said this is evident in exhibit A that he has presented. This should be the second time that council should have seen this because he did provide this picture in the letters he sent to council. According to the specifications, the milling is supposed to average one and a half inches across the entire pavement. This milling did not achieve that in all of the areas.

It also says that where the large machine cannot access certain parts of the road to do the milling, that a smaller milling machine that is a walk behind machine would be used. That was not done. According to Mr. DeChristofaro, this means that when they resurfaced only about a quarter inch of asphalt was placed, not one and half inches as required by the city's own specifications for this project.

Second, on August 3rd when they started paving, the tackcoat that holds the new asphalt to the old asphalt was not applied uniformly and it was not applied sufficiently to adequately bond with the old asphalt. Exhibit B is a picture of the tackcoat that was applied by his driveway. Exhibit C is an example of what a good tackcoat should look like. Without the presence of this tackcoat, the new asphalt will not hold to the existing layer and then will begin to deteriorate more quickly. This will cause the creation of pot holes and slippage of the pavement.

It is his opinion that the design of the milling and the tackcoat application and the asphalt resurfacing are acceptable; however it is the installation that is the cause of these two concerns. Taken together or separately, they are going to cause the new asphalt to start deteriorating long before its useful life. Rather than leave this to his opinion alone, even though he considers himself someone knowledgeable in this field, he shared these photos with a gentleman named Jim Marzel, who is with the Flexible Pavement Institute.

President Marino advised Mr. DeChristofaro that he was out of time and he needed a motion to grant him more time.

Mr. Profato made a motion, seconded by Cantola to grant an extra 3 minutes to Mr. DeChristofaro.
Motion carried.

The gentleman that Mr. DeChristofaro shared these photos with agreed with his concerns that the useful life will be impacted in a negative way down to just a few years. On August 1st, Mr. DeChristofaro tried to find an inspector on the job to express his concerns with but he could not find an inspector. When he asked the foreman on the job, he was told that if he did not stop bugging them that the police would be called. Finally, he called the Mayor and he was told the inspector would follow up with him on the following Monday. It just so happened the day the Mayor told him that, the paving trucks started rolling on the road and there was no time to address the issue with the lack of milling.

Mr. DeChristofaro walked the road with the Mayor and an inspector, and they both agreed that the milling by the edges were not really an inch and a half. Even though the inspector didn't want admit to anything, he acknowledged that it was not an inch and a half.

He did comment to the Mayor that they were tacking the road pretty well at that time. But shortly after the Mayor left, the tacking started to look like what he showed council. In his opinion, they were insufficient and they are not going to hold. When he mentioned the tacking to the guys on the job, he was told that he was being a real pain in the ass and he says he probably was but he wanted the job done right. He wanted to bring this to council's attention because if nothing is done to correct the problem; it will become an issue again. If it does become an issue, he would hope that they would be protected. He asked in his letter for the city to obtain from the contractor an extended warranty on that road for 5 years instead of 1 year. If they do see issues, then the contractor would correct them.

In his opinion, the inspectors should be people who are qualified for the work that they are inspecting and be present for the work. He strongly recommends that the city consider an avenue of inspections that requires inspectors to be present. It's not his job to do this but he was there and he witnessed this.

Ms. Marchese asked the administration if when the asphalt was being laid down if it was the company that did the milling. Mayor Mientkiewicz said it was. The Shelly company was present doing the work and so was MS Consultants. If memory serves him correct, minutes after arriving on site, he immediately flagged down an inspector and he spoke to them. MS Consultants was present and so was a foreman from the Shelly Company. Ms. Marchese asked if they felt it was adequate. Mayor Mientkiewicz said it was hard to tell in that development. It's no secret that the development was not built to city specifications. There have been ongoing problems with the road up there. Most of the driveway approaches do butt up to an inch and a half. Some of them are low points in the road and have to be feathered in.

Ms. Marchese asked if the company was willing to give a longer agreement on the road. Mayor Mientkiewicz said that conversation did not take place. Mr. Cantola asked if since this was something that we contracted through the county that they would have to take the lead on this. Mayor Mientkiewicz said all we did was bid through the county. The city hired the company and the inspectors. President Marino asked if they provide inspection reports. Mayor Mientkiewicz said yes and they were tagging everything. President Marino wanted to know if the reports would come to the city. Mr. Robertson said he does not have them but he can get them. President Marino said it might be a good idea to obtain those from MS Consultants.

Mr. Profato asked about the samples that were taken. If they took a quarter of an inch and the contract called for an inch and a half, he wants to know where the material is. President Marino said that is why he asked about the inspection reports and making sure what is being attested to the reports is right. Mr. Profato asked if we would have legal recourse. Law Director Zuzolo said we would if we weren't provided the right materials pursuant to the contract.

George Karabin: 104 Belmont Ave. Niles, Ohio. Mr. Karabin wanted to start by asking the city and council to realize that not everyone is on the internet. When his street was paved, his truck

was on the road and he was out of town for a couple of days. A tow truck moved his truck and ripped out two brake lines and now that's something he has to pay for. The city used to put signs up on the posts letting people know that paving was going to happen. If he would have known his road was going to be paved, he wouldn't have left his truck in the street.

Next, he would like to follow up with the comments he made about three months about the truck traffic in Niles, especially on his road. There was a pole that was torn down in front of his house yesterday by a truck. Mr. Karabin has been riding the town and looking at the signs and there are no signs that say truck route. His suggestion is to contact these companies and tell the trucking companies that if they drive on Niles streets, their trucks are going to be impounded and its \$5000.00 to get it back. In Pennsylvania, it costs \$10,000.00 to get your truck back.

A new pole was put up today and that trucking company will pay for it but if they didn't site the truck, who would have paid for it? The citizens would. Something has to be done. He is ready to put a barrier up because he has money invested in his yard. He had a truck in his front yard three months ago. As far as he is concerned, nothing has been done. He feels the signs need to be posted on the main roads.

George Kuriatnyk: 52 Morningside. Mr. Kuriatnyk said we have a city official blaming that the previous road wasn't put in correct and that's why things are wrong. That's why when you get blacktop, you put down new. You don't put right on top of wrong. You don't feather it. He agrees with Mr. DeChristofaro. He lives on Morningside and there not an inspector out there. He knows Mr. Robertson was out there but he doesn't know if he is knowledgeable about the laws and what to do. He thought we hired MS Consultants to babysit these people and they weren't on one road that he saw. He stated they were parked by the bike trail for over two hours in their SUV.

Mr. Kuriatnyk mentioned about the sealer that should be applied once the road is paved. The sealer is put on so that water cannot get into the blacktop. If water does get in there, it can freeze and lift the blacktop. He said to go down Morningside because it's not fixed. There has a leak on the corner of Morningside and North Road for months. He thought they would fix it when the road was torn up. Instead, they put down new pipes, do the blacktop, and then two weeks later they went out and tore up the whole entrance way to Morningside. Why did they wait until all of the work was done on that road to tear it up?

According to Mr. Kuriatnyk, a few weeks ago when President Marino returned there was an article in the newspaper that he laid down the law; however that night he violated 2 sunshine and Robert's Rules laws and three council rules. Tonight, one sunshine law was broken and 3 council laws. He doesn't know how he is the savior when him and Mr. Papalas sat on council for 20 years and watch the town go downhill and never said anything.

He would like to know what the HR department has done in the last six weeks. He wants to know why the administration answers everyone else but no one will answer him. Mr. Kuriatnyk said the administration says they are transparent. He wants to know what they are transparent about. He says they are only transparent about the things they want to leak out to the press and to the people.

If the HR department wants to do an investigation, it has to go through her, the Service Director and then the Mayor and the Safety Director. Mr. Kuriatnyk reminded everyone that the city hired an unlicensed contractor in the 2nd ward who did \$20,000 worth of damage. And he asked why nothing was done and he was told that the safety director put a halt to it.

Mr. Kuriatnyk said it's not up to President of Council to grant speakers more time. It's up to the Clerk of Council to get the votes. Also, council rules say all supervisors shall be at council. He doesn't see a Tree Department Supervisor, a Street Department Supervisor. They are never here. How are we laying down the law?

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 27:20 into recording)

RESOLUTION NO. ____ (Draft No. 98-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE GENERAL FUND MISCELLANEOUS CONTRACTED LABOR ACCOUNT FOR MAINTENANCE TO THE NILES GREENWAY BIKE TRAIL; AND, DECLARING AN EMERGENCY

It was moved by Profato, seconded by McNaughton a third reading to this Draft No. 98-19.

YEAS: 7 NAYS: 0

It was moved by Profato, seconded by Kearney to adopt this Draft No. 98-19.

YEAS: 7 NAYS: 0

This Draft No. 98- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. _____ (Draft No. 138-19)

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 Smith, seconded by Marchese 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. 138-19.

YEAS: 7 NAYS: 0

This Draft No. 138- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. _____ (Draft No. 139-19)

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 139-19.

YEAS: 7 NAYS: 0

This Draft No. 139- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. ____ (Draft No. 140-19)

**A RESOLUTION AUTHORIZING MONTHLY CASH TRANSFERS; 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 Lastic, seconded by Smith to adopt this Draft No. 140-19.

YEAS: 7 NAYS: 0

This Draft No. 140- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. ____ (Draft No. 141-19)

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE
UNAPPROPRIATED COMMUNITY DEVELOPMENT FUND 228 TO THE
COMMUNITY DEVELOPMENT CONTRACTED LABOR ACCOUNT FOR THE
DIFFORD DRIVE WATERLINE REPLACEMENT PROJECT; 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 Kearney, seconded by Smith to adopt this Draft No. 141-19.

YEAS: 7 NAYS: 0

This Draft No. 141- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. ____ (Draft No. 142-19)

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

It was moved by Smith, seconded by Marchese 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. 142-19.

YEAS: 7 NAYS: 0

This Draft No. 142- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. ____ (Draft No. 143-19)

A RESOLUTION ADOPTING THE DISPOSAL OF CITY-OWNED PROPERTY, EQUIPMENT AND RECORDS POLICY FOR THE CITY; 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 Smith, seconded by Lastic to adopt this Draft No. 143-19.

YEAS: 7 NAYS: 0

This Draft No. 143- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. ____ (Draft No. 144-19)

A RESOLUTION ADOPTING THE CONSUMABLE INVENTORY POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Kearney to adopt this Draft No. 144-19.

YEAS: 7 NAYS: 0

This Draft No. 144- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. ____ (Draft No. 145-19)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR PROPOSALS TO INSURANCE COMPANY(IES) TO PROVIDE THE CITY OF NILES' PROPERTY, CASUALTY, AND LIABILITY INSURANCE NEEDS; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 145-19.

YEAS: 7 NAYS: 0

This Draft No. 145- 19 has been adopted on the 4th day of September 2019.

RESOLUTION NO. ____ (Draft No. 146-19)

A RESOLUTION AUTHORIZING THE TREASURER TO ENTER INTO CONTRACT WITH THE OHIO AUDITOR OF STATE FOR ASSISTANCE WITH RECONCILIATION AS NEEDED; AND DECLARING AN EMERGENCY

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

Mr. Cantola asked about the term of this contract. Treasurer Telago stated this was only a 6 month contract.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Smith to adopt this Draft No. 146-19.

YEAS: 7 NAYS: 0

This Draft No. 146- 19 has been adopted on the 4th day of September 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 37:52 into recording)

Mr. Cantola wanted to follow up on the light truck they talked about and if it's going out to govdeals. And what's going on the fire chiefs old SUV once he moves into his new one. He is glad they got a new vehicle for the Chief. He is not looking for an answer but he just wanted them to know this is still on his radar. He doesn't want to keep adding to the fleet.


Ms. Marchese wanted to thank the fire and police departments for the work they did with the fire on Peffer street. The neighbors were very impressed on how things were handled.

President Marino went back to the street comments. He suggested that the chairman of that committee meet with the Mayor and Mr. Robertson on this. He encouraged him to have a committee meeting.

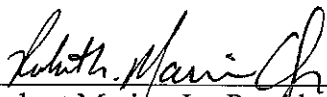
Mr. Kearney had a question about the playground equipment that was put up at the parks. He wanted to know if we only put up two pieces of equipment and a swing and a fallzone for \$28,000.00. Mayor Mientkiewicz explained that the equipment is adaptive and anytime you buy equipment like this for children with special needs, the cost is very high. There are three quotes for this. Mayor Mientkiewicz also stated that the City of Canfield spent \$1,000,000.00 on playground equipment because it is adaptive.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council