

## **EAST PALESTINE VILLAGE COUNCIL MARCH 10, 2014 7PM**

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger, and Mrs. Wisser. Also present was Village Manager Pete Monteleone, Finance Director Traci Thompson, Law Director Dave Powers and Clerk Misti Martin. Mr. Elzer stated that in the minutes of the February 24<sup>th</sup> meeting he had misspoke and said that 200 acres was 1% of 2000 acres but it is actually 10%. The minutes were then approved on a motion by Mr. Elzer, seconded by Mr. Figley. In reference to the Fire Department report Mr. Elzer asked why there were figures in the Non Em. Tx column for 2014 but none for 2013. Chief Todd stated that Non Em. Tx is non emergency transport and that the FD doesn't do those and that those numbers were in the wrong column for 2014, they should be under the ambulance column. The February 2014 Department reports were approved on a motion by Mr. Elzer, seconded by Mr. Cohen, all in favor. Mr. Elzer made a motion to amend the agenda to move the residents on the agenda to speak to the legislation portion of the meeting, seconded by Mrs. Wisser. All in favor.

**CLERK:** Clerk Misti Martin stated that there will be a St. Patrick's Day Parade Saturday the 15<sup>th</sup> starting at 4PM. There also will be an Architectural Design Board meeting on March 20<sup>th</sup> at 6pm, and a Planning Commission meeting following at 7:15 for a replat. Mr. Elzer said they were trying to have the Zoning Board of Appeals and the Planning Commission attend the Architectural Board meeting to help develop a plan.

**MAYOR:** At this time Mayor Zuch swore in Auxiliary Police Officer Alex Pryor. She stated she attended the yearly Advisory Board meeting for the Columbiana County Health Department, and with the new House Bill they have changed a lot of the certifications needed. She also stated that for a \$5 donation calendars are available with all of the K-9 officers in the area and the proceeds are split among the departments with K-9's.

**MANAGER:** Manager Monteleone stated he and Chief Dickey met with the Commissioners about the 911 center and keeping it here. He is still working on the concession stand, and he also had a meeting about the DTF and that we were given \$20,000.00 this year instead of \$10,000.00. He stated he received approval for a flood plain management course in Columbus next week. We are still taking applications for the Building Inspector position. The County demolitions have begun.

**LAW DIRECTOR:** Law Director Dave Powers stated he had given council a written report. He also said in reference to the unemployment appeal that had been won, they are saying we didn't win so he is looking into it and that he had given council a letter from the Ohio Ethics Commission that they will issue an advisory opinion within 30 to 45 days. Mr. Cohen stated he isn't sure they are actually going to issue an opinion.

**STREET:** Mr. Figley stated there was an unlit barricade on Martin St. that was hit and asked if they should be lit. Monteleone stated he would take care of it.

**SAFETY/PARK/REC/CEM: NO REPORT.** Atty. Beagle stated that when she spoke with the County Commissioners they said they are very impressed with the job Chief Dickey is doing here.

**DEVELOPMENT:** Mr. Elzer stated that Cold Duck Screen-printing went out of business last week due to the health of the owner. He said they have helped every organization in town for over 23 years and he thanked them for all they have done.

**UTILITY: NO REPORT,** except to say that the high school has had the Annual Sweetheart campaign again this year and with approximately 100 kids out selling they raised around \$18,000.00.

**FINANCE: NO REPORT**

### **AT THIS POINT MAYOR ZUCH GAVE AN OVERVIEW OF LEGISLATION**

Mr. Figley asked if the FD does ambulance calls for Covington and Chief Todd said yes but not non emergency transport because of lack of personnel. Chief Todd said they could have days where they do 6 non emerg. Transports a day. Mr. Figley then stated we can't do that and Chief Todd said we could if we had more people. Mr. Figley said if we did do it, it would be additional money for the city and with the wages we pay the EMTs we could afford to do it, and that a transport could cost \$300 to \$400. He said the city gives them water & sewer and a 15 year tax abatement so we ask them if we can do the transports. Mr. Cohen asked how often it could be and Mr. Figley said it is very often. Chief Todd said the problem is there is usually only one ambulance crew available during the day. Mr. Elzer said if there was enough work there they could hire someone full time. Mr. Figley stated Columbiana has two full time paramedics and Monteleone said that is correct but they have a levy. Monteleone stated Columbiana's part time makes less than ours. Chief Todd

said you have to look at the hours they pay; we only pay two hours for a twelve hour shift, on weekends Columbiana pays hour for hour. Chief Todd stated there are inequities in how the EMTs are paid and if that was improved there would be a better chance of getting more people. Mr. Cohen called a Safety/Park/Rec/Cem Committee meeting for 6:30 prior to the regular meeting on March 24.

**VISITORS COMMENTS ON CURRENT LEGISLATION:** Chief Todd asked if he understood correctly that they are getting \$20,000.00 for the DTF and Monteleone said yes. He then asked how much the DTF officer costs the city, Monteleone said we are sending a full time officer there and using part time to fill his hours and once the money is gone it is done. **Barbara Georescu** to speak on oil & gas drilling. Ms. Georgescu stated she is in favor of keeping drilling outside the city limits and council shouldn't promote the selling of water rights because the companies are protected against claims for violations of the Clean Water & Air acts. She most harm caused by drilling is not taken seriously because you can't see it, Methane and radon gas make you feel sick but they are invisible. Increased earthquake activity has increased in OK and near an injection well in Youngstown. People signing leases and state legislators should put their trust in evidence, not fake science. Ruined water is not invisible, people and animals cannot drink it and get sick around it or even set it on fire. Wealthy people in TX are walking away from multimillion dollar homes because of ruined water. She asked that council not favor drilling and money over water, and said that the EPA isn't designed to protect you. She said you can find more information at Fracktracker.org and copies of Gasland II are available at the library. Mr. Elzer stated that the legislation that was passed was for non surface drilling and no wells in the city and without it anyone could put a well here, Ms. Georgescu said not if there is a moratorium put in place and that is what she would like done. Mr. Elzer said fracking could be argued about forever but it is happening all around us and the question should be if we get some economic benefit from it. Mr. Figley stated this is just a survey to see who is interested. Mr. Cohen asked Mr. Figley to read aloud section 2 of Res. 2-2014 and at this point Mr. Figley read aloud the entire resolution. Mr. Figley said it is not the intention for council to lease everyone's property. Mr. Cohen said section two authorizes the Village Manager to contact gas companies to negotiate leases. Mr. Figley read section 2 again ***"The Village Manager and Law Director are authorized to seek out companies that are or may be interested in leasing village owned property and the property of willing village land owners"***. Mr. Cohen said it allows the manager to solicit gas companies for the purpose of leasing property. Mr. Elzer said that legislation allows the same thing that has been being done for the last two years. Mr. Figley said this isn't giving authorization to lease anything only to seek out interested parties and Atty. Powers agreed. Mr. Figley said he agreed with Ms. Georgescu about fracking and keeping wells out of the city but he feels it is fair to find out who would be interested. Ms. Georgescu clarified by saying she didn't want to see wells drilled in or under town no matter how deep. Mr. Figley stated he has seen rebuttals to everything that has been said about ruined water and it's difficult to know what is true. **Becky Foster** to speak on oil & gas. Mrs. Foster stated she received some phone calls after the last meeting and one from a Mr. Charles Thorp from Carroll County where they are drilling everywhere. Mr. Thorp told her to "please tread lightly and go slow" because there are a lot of problems whether people want to admit it or not. Mr. Thorp told her he had his water tested before drilling and tested after drilling and there is now methane gas in his water and his neighbors water runs black, and people that have lost entire wells. Mrs. Foster stated there is always a chance something could happen, but all it takes is once and then what would we do. Mr. Figley stated that council is not promoting this but he doesn't see a problem with finding out who is interested. Mrs. Foster stated she doesn't feel it belongs here. Mr. Figley said he didn't care if they did or didn't do it, he has "no dog in this fight" Mrs. Foster disagreed saying he is a homeowner so he does have "a dog". Mrs. Foster said you would not even make a lot of money off of this and you would have to pay tax on what is made. Mr. Figley said he isn't interested in this because of money he could make; he's interested because of what it could do for the city and stated that any money he would get he would donate to the Village or his Church. Mr. Figley said Mrs. Foster was using scare tactics and Mrs. Foster said he was painting a rosy picture. Mr. Figley said he isn't promoting but it is their duty as council to do everything they can to get the city back on its feet financially and every time someone has an idea no one wants to do it. Mrs. Foster said it's not about how much money is made, it's about the water. In reference to the comments in the newspaper about Mr. Elzer, Mr. Figley stated he has done a lot for the town. He is fixing up buildings, donates his time for the Park, the Turkey Trot, the Car Cruise and the Street fair and he feels that a lot of the negativity towards the oil & gas leasing is personal.

**VISITORS:** John & Dot Herbert, John Jurjavic, Barbara Georgescu, Chuck McGuire, Terry Keresty, Dave Kibler, Etta Hill, Tommy & Brenda Povenski, Pam Figley, John & Bonnie Davis, Jon Rettig, Josh Foster, Becky Foster, Emery Coon, Jerry Coblentz, Tina & Chris Kosman, Kent and Darlene Chapman, Jennifer Whitehead, Terry McElroy, Rick & Karen Gorby, Brock Jurjavic, Rebecca Nelis, Alan Nelis, Chief Kevin Dickey, Chief Brett Todd, Dan Scott, John Simon, Larry & Terri Ward, and Katie Schwendeman

**LEGISLATION:** Atty. Beagle introduced Ord. 5-2014 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance providing for the authorization of the Municipal Manager to advertise for public bid the construction of the entire length of Sugar Camp Drive, the entire length of High St., The entire length of Leake St., Thomas St. from High to W. Grant, East St. from High to W. Grant, Pleasant Dr. south from E. Taggart to Village limits, W. Taggart from N. Market to West Alley and W. Main from Everett to Brookdale Ave, together known as the street resurfacing project and to further award and enter into a contract with the lowest and best bidder as relates to the contract, pursuant to the specifications and bidding requirements as determined by the Municipal Manager and in compliance with law.** Atty. Beagle called for a vote on Ord. 5-2014. Atty. Beagle-Y, Mr. Cohen-Y, Mr. Elzer-Y, Mr. Figley-Y, Mr. Tyger-Y, Mrs. Wisser-Y. 6 YES to pass. Atty. Beagle introduced ord. 6-2014 for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance establishing wages for certain non union village employees.** Atty Beagle introduced Res. 3-2014 and made a motion that it be read by title only. **A resolution authorizing the Columbiana County Auditor to certify to the Village of East Palestine the total current tax valuation of the Village and the dollar amount of revenue which would be generated by a renewal additional street levy.** Atty. Beagle called for a vote on Res. 3-2014. Atty. Beagle-Y, Mr. Elzer-Y, Mr. Cohen-Y, Mr. Figley-Y, Mr. Tyger-Y, Mrs. Wisser-Y. 6 YES to pass. Atty. Beagle introduced Res. 4-2014 and made a motion that it be read by title only. **A resolution repealing and rescinding resolution no. 2-2014 which authorizes the Village Manager to initiate action to determine if village landowners are interested in a joint effort, with the village to lease the lands within the village for oil and gas production.** Mr. Elzer questioned introducing legislation to repeal previously passed legislation, saying it makes council look stupid. He said there is some risk involved in this but the economic benefit is staggering. Mr. Figley stated there is no risk in the resolution in question and Mr. Elzer said all it did was to authorize the Manager and Law Director to ask if people were interested. Mr. Cohen said it also allows them to go to the gas companies to negotiate. Mr. Figley asked Atty. Powers if indeed the resolution gave them permission to negotiate a gas lease, Atty. Powers said it stated to "make inquiries" not negotiate. Atty. Powers said all he is being authorized to do is find out where the gas companies stand. Mr. Figley asked if there was someone interested if additional legislation would be needed and Atty. Powers said yes. Mr. Elzer said the idea of this legislation was introduced in November and it's crazy to repeal something that was just approved. Atty. Powers asked if he was correct in understanding that council had already voted to authorize the Village to lease its property. Mr. Elzer said they have listened to people ask why the village hasn't leased its property for two years. Mr. Elzer made a motion to table Res. 4-2014. Mr. Cohen said the other problem with this is the ethics issue. Mr. Elzer said it's not a problem because two solicitors have said it's not a problem, and Atty. Beagle said that isn't true. Atty. Powers said he hasn't issued a formal opinion. Mr. Cohen said in November he went then Law Director Shirley Smith to ask about the ethics issue and didn't receive a response, he then emailed her for her opinion on council members passing legislation that would give them a direct cash benefit and received no response. Mr. Cohen stated he then emailed Atty. Powers after he was sworn in asking for his opinion on two occasions on the same issue and didn't receive a response. Mr. Elzer stated that Res.2-2014 doesn't give anyone a penny. Mr. Cohen stated that the Ethics Commission goes back to when the process started and this is a criminal offense. Atty. Powers said he would prefer to put his opinion in writing and he has done preliminary research, he recommends seeing what the Ethics Commission says and if they say it's not a conflict there is nothing to worry about right now. Atty. Beagle stated they can't an advisory opinion on something that's already done, Atty. Powers stated they have put it on the agenda and are going to issue an opinion. Atty. Beagle said the letter doesn't say that, only that they have put it on the agenda. Atty. Powers stated he has indicated that if they do not issue an opinion that he will do a formal opinion. Mr. Figley seconded Mr. Elzers previous motion to table Res. 4-2014. Atty. Beagle asked if Res. 4-2014 is tabled and we move forward with the Res. 2-2014 and Ethics Commission comes back to say it is unethical if council was "washed clean"? Atty. Powers stated at this point council has done nothing that could benefit them, if they come back and say it is wrong who on council has benefitted. Atty. Powers said if found a company that was interested in leasing all of the property, no one has benefitted at all because no action has taken. Mayor Zuch called for an "all in favor" on Mr. Elzers motion. In favor of tabling the Res. 4-2014 were Mr. Elzer, Mr. Figley and Mrs. Wisser. Against tabling Res. 4-2014 were Atty. Beagle, Mr. Cohen and Mr. Tyger. Mayor Zuch as tie breaker voted against tabling Res. 4-2014. Atty. Beagle called for a vote on Res. 4-2014. Atty. Beagle-Y, Mr. Elzer-N, Mr. Figley-N, Mr. Cohen-Y, Mr. Tyger-Y, Mrs. Wisser-N. 3 to 3 for a tie. Mayor Zuch voted YES for the tie breaker. Resolution 4-2014 passed 4 to 3. Atty. Beagle stated she agreed with Mr. Figley and doesn't like the comments in the paper and Mr. Elzer taking the blame for things and she wanted everyone to understand that the council is made up of six people and not just one and they work as one body. Atty. Beagle introduced Res. 5-2014 and made a motion that it be read by title only, seconded by Mr. Cohen. **A resolution authorizing the village to enter into a "delinquent debt collection agreement" with the Ohio Attorney General.** Atty. Beagle called for a vote on Res. 5-2014. Atty. Beagle-Y, Mr. Elzer-Y, Mr. Figley-N, Mr. Cohen-Y,

Mr. Tyger-Y, Mrs. Wisser-Y. 5 Yes to pass. Atty. Beagle made a motion to amend the agenda to add Resolution 6-2014 for the DTF, seconded by Mr. Cohen. Atty. Beagle introduced Res. 6-2014 and made a motion that it be read by title only, seconded by Mr. Cohen. **A resolution accepting monies from the Columbiana County Board of Commissioners to be used exclusively for wages and related benefits to permit the Village Police Department to assign an officer to the Columbiana County Drug Task Force.** Atty. Beagle called for a vote on Res. 6-2014. Atty. Beagle-Y, Mr. Cohen-Y, Mr. Elzer-Y, Mr. Figley-N, Mr. Tyger-Y, Mrs. Wisser-Y. 5 yes to pass.

**ADJOURN:** Mr. Cohen made a motion to adjourn, seconded by Atty. Beagle. All in favor, meeting adjourned.

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**MISTI J. MARTIN CLERK**

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**MAYOR MARGO ZUCH**