

## **EAST PALESTINE VILLAGE COUNCIL MONDAY MARCH 24, 2014 7PM**

Mayor Zuch called the meeting to order, present were Atty. Ellen Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Also present were Village Manager Pete Monteleone, Law Director Dave Powers, and Clerk Misti Martin. In reference to the regular meeting minutes of March 10 Mr. Elzer stated that Mr. Cohen had said at one point during the ethics discussion that going through with the Oil & gas project would be a felony and that everyone could go to jail, Mr. Cohen stated he didn't say felony, he said misdemeanor. Mr. Figley then stated he said "a 1<sup>st</sup> degree misdemeanor with six months in jail and a \$1000.00 fine". Mr. Elzer then said that section was not included and he wanted that added to the minutes. The minutes from the March 10, 2014 Utility Committee and regular meeting including the addition were approved on a motion by Mr. Elzer, seconded by Mrs. Wisser.

**AGENDA: DAN SCOTT-OIL & GAS LEASING.** Mr. Scott stated that there are not a lot of facts behind the so called problems with fracking and that there are no problems with mortgages with local banks on properties that have been leased, nor are the realtors having any problems. He stated that the housing market has increased 14%. He stated that an expert from Columbia University said the Youngstown earthquakes were not caused by injection wells. He stated a study at Duke University found methane levels stayed the same from before to after fracking and that the head of EPA says there is no problem with fracking. He said there was a problem in Bradford PA, they found it was leaking through the concrete and they have since started using three layers of concrete. Mr. Scott said it's not hard to do research and find that there is not a problem with fracking and he was told by someone in the industry "if we don't do our job right, we won't have a job", and if you are against fracking have facts to back up why you are. **REBECCA NELIS- INFORMATION MGMT & LEGISLATIVE PROCESS.** Ms. Nelis stated she would like to see the meeting minutes and the agendas put on the city web page or the East Palestine Information Facebook page. Clerk Misti Martin said the last two years of the meeting minutes are already on the cities web site, she said the agenda is not online but that can be easily remedied. Ms. Nelis then stated that out of respect for everyone that cell phones should be removed from the table and shut off. She said it is distracting for someone speaking and for those trying to listen, she suggested that Mayor Zuch request everyone to put cell phones away after the pledge and prayer. Mayor Zuch stated she used to do that. Mrs. Wisser stated her phone is her computer and schedule and she does not text during meetings, Mr. Figley stated they also make notes on their phones. Ms. Nelis then stated she does not understand the legislative process at council meetings, and how things become council issues instead of going to the ballot and she asked where she could find that information. For example why is fracking a council issue and not a voter issue? She also said when there was talk on reversing the ban on strip mining that was some how a council issue instead of going on the ballot when it would have a huge effect on the community. Mayor Zuch stated the Charter is online and that is a good place for her to start to find out the rules and processes.

**CLERK: NO REPORT**

**MAYOR: NO REPORT**

**MANAGER:** Monteleone stated he has met with Mr. Figley and that he is going to the county to turn in the streets they would like chip & sealed this year by the county.

**LAW DIRECTOR:** Atty. Powers stated he had given a written report which included the official opinion from the Ethics Commission. He stated he concurs with their opinion that indicates as long as any member of council doesn't have a special right or benefit that there is nothing wrong with council voting to move forward on the project of inquiring of citizens interest in oil & gas leasing including individual council members properties provided that the same or similar lease will be offered to all properties within in the Village. There has been a redetermination in the unemployment issue and he is researching it.

**STREET:** Mr. Figley stated things are on track with the chip & sealing for this summer. Monteleone also added that he was pleased with the work that Patchmobile did last year for the crack filling and he is lined up for the beginning of the season this year.

**SAFETY/PARK/REC/CEM:** Mr. Cohen stated that he missed the last Park Board meeting. Monteleone then reminded everyone that on Monday April 7<sup>th</sup> is the annual spring clean up. They will not be accepting TV's or electronics this year. Mr. Elzer said they need volunteers to help with that project. Mrs. Wisser said baseball will be starting April 1. Monteleone said he has the schedule and bathrooms will be open in time.

**DEVELOPMENT:** Mr. Elzer stated said the St. Patrick's Day parade was a great success. Mr. Elzer stated after much discussion about oil & gas leasing, the Village still has 175 acres that could be leased, he asked council if they should continue down this path or just forget about it as he felt from the tone of past discussions if they had a lease right now he felt it would not be passed. Mrs. Wisser said she would be in favor of it and Mr. Cohen stated if Atty. Powers could find a viable company to lease Village property he would be for it. Atty. Beagle stated she would like to see what they could find and would then make a decision. Kip Reeves in the audience stated this issue has divided the town and council should prepare information for people, he stated he isn't for or against it but it is councils responsibility to provide information to the people. At this point Mayor Zuch told Mr. Reeves that he must be on the agenda to speak at the meeting. Mr. Elzer agreed saying it has divided the community and it shouldn't have, the legislation was only to gauge the interest of the residents. Tina Kosman in the audience asked why it wasn't sent to everyone in town, Mayor Zuch again said there was no speaking out during the meeting but Mr. Figley said to let her talk. Mr. Elzer asked who was excluded and Ms. Kosman said it wouldn't be given to everyone and asked she also asked if it would say "yes I'm interested or no I'm not interested"? Mr. Elzer said it would be for every property owner, Ms. Kosman said it should be mailed to every single person here. Mr. Figley said the real question is do people want to lease their property and get a signing bonus and lease for 15% or just let them take the oil for 12 ½ % and that is exactly what will happen, he said he doesn't know if it hurts the environment or if it doesn't but that is not the issue. Mr. Tyger said he would also like to see details before he made a decision and that it would be a sub surface lease. Mr. Figley said he still feels the issue is more about Mr. Elzer, he has fixed up the Theatre, the Chamber building, they are fixing up the old hotel building, he has worked for the 4<sup>th</sup> of July festivities, puts on the Turkey Trot and all people want to do is blame him for making money on the oil & gas issue. If he owns the property, he deserves it just like anyone else. Mr. Cohen stated he was very concerned with the ethics issue but they now have a formal opinion from the Ethics Commission and they ruled that there is no problem, he is happy about that. The issue of how much property a council member owns is no longer a question nor is there a question about whether or not council can vote on this issue of leasing, it is no longer an issue. We should put the ethics issue behind us. Mr. Elzer said the previously legislation is dead and if we are not going to include the residents do we continue with the Village. Mrs. Wisser said it will be a benefit to the city. Mr. Cohen stated the ideal situation would be if the Village got a lease and then do what Barnesville did and off it to the residents. Mr. Figley said he didn't think this issue could be put on the ballot and Atty. Powers agreed. Atty. Powers stated that right now there is virtually no leasing going on in our part of the county but that could change. He said there was legislation a few years ago to move forward with Village leasing, that legislation is still in existence. If he gets an offer he would bring it to council and at this point that is all we can do. Mr. Cohen stated he would like to see Village property leased provided the price is right.

**UTILITY:** Mrs. Wisser had no report on utilities but she did have an issue with the American Health Care and their residents walking around town asking people for money and asked what could be done about it. She said the residents on W. Main St. have issues with it also. She said she was told there is nothing that can be done but she would not accept that. It makes her business and the town looks bad. Fireman John Simon said the FD has looked into it and they were told there is no law preventing the people who live there from leaving the property. Monteleone said he had

received a call about it and he turned it over to Chief Dickey and the PD is trying to be proactive about it. Monteleone said there is a fine line between being in public and causing a nuisance.

**FINANCE:** Mr. Tyger stated Traci and Pete are working on the midyear budget, council should have it in time for 3 readings but the third reading may have to be an emergency. He said he would call a Finance Committee meeting when they receive the budget in June or July.

**VISITORS:** Dianna Elzer, Jon Rettig Jr., John Simon, Emery Coon, Barbara Georgescu, Kent Chapman, Chris & Tina Kosman, John Herbert, John martin, Mark Walker, Chuck McGuire, Rebecca & Alan Nelis, John & Bonnie Davis, Rich Bolon, Park Grim, Becky Foster, Pam Figley, Larry & Terri Ward, Dan Scott, Katie Schwendeman, Matt Horn, Brian Moore, Kip Reeves, Denny Manley, Mary Ann Tyger, and Maggie Gugliemo.

Mayor Zuch gave a brief explanation about tonight's legislation. In reference to Ord. 6-2014- Wages for non union employees, Mr. Elzer said it is hard to swallow because they are by percentages, the more you make the more your raise is. He would like to see it on a scale. Monteleone said it was presented to the Police and Fire in the form of a scale and in the form of percentages and they chose the percentage raises

**LEGISLATION:** Atty. Beagle introduced Ord. 6-2014 for a third 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 called for a vote on Ord. 6-2014. 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 Res. 7-2014 and made a motion that it be read by title only, seconded by Mr. Cohen. **A resolution declaring it necessary to levy a five (5) mill renewal additional tax in excess of the ten mill limitation for 5 mills for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the municipal corporation in accordance with the provisions of the Ohio revised code section 5705.19(g).** Atty. Beagle called for a vote on Res. 7-2014. Atty. Beagle-Y, Mr. Elzer-Y, Mr. Cohen-Y, Mr. Figley-Y, Mr. Tyger-Y, Mrs. Wisser-Y. 6 YES to pass.

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

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MISTI J. MARTIN CLERK

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MARGO ZUCH MAYOR