

EAST PALESTINE VILLAGE COUNCIL-AUGUST 26 2013 7 PM PARK COMMUNITY CENTER

Mayor Zuch called the meeting to order, present were Atty. Beagle, Mr. Elzer, Mr. Cohen, Mr. Tyger and Mrs. Wisser. Mr. Figley was absent. The minutes from the August 12, 2013 Utility Committee and Regular Council meeting were approved on a motion by Mr. Elzer, seconded by Mr. Tyger, all in favor.

AGENDA: Linda & Don Eager from the Fair Housing Board. Mr. Eager stated that although his wife was listed on the agenda she was unable to attend and he was taking her place, and this was the last night they would be there. He said due to state regulations; East Palestine will not be getting CHIP money any more. He stated they worked with Marshall Bleckman and have been working in East Palestine for 18 years. He said what they have tried to do in the past is be the housing resource for the residents and if there are problems with landlords or tenants, people who need mortgage assistance or help with rent or utilities they have tried to help with that and they will continue to do that with the 1-800 number until they know who will be taking over and hope that the State will change things back to the way they were. Mr. Eager then thanked the Village saying that East Palestine has always been very cooperative and helpful and wished us good luck and good will for the future. Mr. Elzer asked if there was still money remaining in the fund; Atty. Smith stated she spoke with Marshall Bleckman and that there is no new money but there is still money left if people want to apply.

NO CLERK OR MAYORS REPORT

MANAGER: Village Manager Pete Monteleone stated he had given a written report and that he had signed the contract today for the PNC Building and should be closing on the purchase of that building and the sale of the current building the first week in September. Mr. Cohen stated he has had several complaints from the residents on Clark St. about the coal dust problem, and it seems to be more of a problem this year than last, it has gotten very bad. He stated he did some checking and there is something called a surfactant that can be sprayed on the coal, a lot of train companies use it but a lot don't and it must have something to do with the cost. It is described as like a hairspray that is sprayed on top of the cars as they leave the yard to hold the dust down and we need to ask Norfolk Southern about it. Monteleone stated he has had complaints for the last four or five months and has called them multiple times and will continue to call. He stated he isn't very optimistic that action will be taken. Mayor Zuch stated if the railroad won't do anything it's time to call the EPA. Mr. Elzer said we should talk to other communities having the same issue; there would be more power as a group. He also stated that coal dust is valuable; people buy it by the pound. Mr. Cohen said they actually loose tons of dust by the time the trains reach their destinations. Mr. Elzer stated that this wasn't a problem a year ago so something had to have changed and Mr. Cohen stated that in doing research there isn't much about it prior to 2011. Monteleone stated he would draft a letter and call county officials and local communities and see if they will chain letter it with us.

LAW DIRECTOR: Atty. Smith stated that she actually recently saw the coal trains for the first time and it is bad and would be glad to look into the regulatory aspects of the trains.

STREET: MR. FIGLEY WAS ABSENT, but Mr. Elzer said the chip & seal at the park looks great. Monteleone stated he hopes to have the streets lined up for next year with in the next month.

SAFETY/PARK/REC/CEM: Mr. Cohen stated that there is an Arts and Crafts Festival at the Park on Labor Day from 10 to 5pm. Monteleone stated they are also going to have a petting zoo set up and bands.

DEVELOPMENT: Mr. Elzer stated the Car Cruise last week went very well and he thanked the Police, Fire and Street Department. There were about 250 cars, Touch-A-Truck, and 3 ex football players. He said that by the Charter every November Council is to do a review of the Village Manager and that they have never sat down and done that very well, he would like to come up with a plan on how to do the review. Mr. Tyger stated in the past there is a form passed out to council to fill out and Mr. Cohen would total them and discuss it with the Manager. Mr. Elzer said he feels there should be discussion on it, and go into executive session and talk about it. Mr. Elzer stated that Clerk Misti Martin works for Council and should be included in that if they are going to review who works for them she should be included. Atty. Smith stated that Martin works for Council and for the Manager. Mr. Tyger said he thought he sent copies to council but he would check, and that former Councilman Scott Rauch did research and came up with the review form. Mrs. Wisser asked if they could do the form a discussion and Mr. Elzer said he agreed. Mr. Cohen stated that the question of getting together to discuss that, they have to be careful in terms of whether they can go into executive session, or if they would have to do it publicly. Atty. Smith said that personnel can be discussed in executive session. Mr. Tyger stated that is in the Charter. Mr. Elzer asked about the concession stand issue and Atty. Smith stated

she felt it has to be done by legislation by section 4.01 of the Charter and it says “lease, transfer of public property shall be by ordinance”. Mr. Elzer stated that it was discussed at the last meeting about keeping the concession stand open, he said the Manager and himself have talked to local organizations and none are interested. He would like to keep it open, especially for the big event next week and Mr. Cohen said there would be vendors there. Mr. Cohen said if you can find someone willing to do it, go ahead. Mr. Elzer said he would like to do it. Mrs. Wisser asked if they had to have a food license and Mr. Elzer said he could use the existing license but he has teamed up with someone who already has one. Mayor Zuch said she would like more details before legislation and Mr. Elzer said it has to happen quickly. He asked Atty. Smith if she could do legislation and she stated there will be a lot to be covered and she could do it subject to review unless they wanted to give her parameters but she would have to look at food license, health department issues and sales tax issues but she didn’t think it could be done by the end of the week. Terry Ward asked what events he was talking about and Mr. Elzer said the craft show. Mrs. Ward said the concession stand is already planning on being open. Mr. Cohen stated that the Park Board decided the concession stand would be open for the craft show. Atty. Smith asked if they wanted legislation for the next meeting or if she was to wait until everyone looked into it, Mr. Elzer said he would like it for the next meeting if not sooner. Mr. Cohen asked if there would be an issue because Council would be leasing it to a councilman and Atty. Smith stated that she told the Manager that she could draft legislation but with the understanding that just because it’s drafted doesn’t mean it can be done. Mr. Elzer said it would be leased to his company and that would be a separate entity, if someone else wants to do it fine, but it’s about giving people at the Park what they want.

UTILITY: NO REPORT

FINANCE: NO REPORT

VISITORS: John & Dot Herbert, Chuck McGuire, Jim Williams, John & Bonnie Davis, Terry Keresty, Larry & Terry Ward, Donald Eager, Mary Ann tiger, Chief Kevin Dickey, Adam Philips, Jon Philips, Dan Scott, Bill & Jean Riddle, and Steve Rappach of the Morning Journal.

THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION

LEGISLATION: Atty. Beagle introduced Ord. 28-2013 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. **Granting the director of transportation authority to maintain state highways, apply standard longitudinal pavement markings and erect regulatory and warning signs on state highways inside village corporation and giving consent of the village to the plowing of snow and use of abrasives for ice control under the supervision of the director of transportation, State of Ohio.** Atty. Beagle called for a vote on Ord. 28-2013. Atty. Beagle-Y, Mr. Elzer-Y, Mr. Cohen-Y, Mr. Tyger-Y, Mrs. Wisser-Y. 5 YES to pass.

Atty. Smith stated that as a follow up to Mr. Elzers request if everyone would look at section 11.04 of the Charter and let her know opinions.

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