

EAST PALESTINE VILLAGE COUNCIL DECEMBER 22, 2014 7 PM 85 N. MARKET ST.

Mayor Zuch called the meeting to order, present were Atty. Beagle, Mr. Elzer, Mr. Figley, Mr. Cohen and Mrs. Wisser. Mr. Tyger was absent. Also present was Village Manager Pete Monteleone, Law Director Dave Powers, Finance Director Traci Thompson (Thompson served as Council Clerk for the meeting as Misti Martin was on vacation). There were no monthly department reports.

AGENDA: Brett Todd to speak about the use of fire levy money for ambulance payments. Mr. Todd stated that the fire levy was originally put on because of the need for fire trucks and equipment, the Law Director at the time, Brad Allison, stated it would be written up as such. He stated that when the first payment of the levy money started coming in the Finance Director at the time, Connie Robinson had earmarked some of the money for an ambulance and after speaking with the Law Director and Manager at that time they stated that money could not be used for an ambulance and now nine years later the opinion has changed saying that it can be used for an ambulance. He asked how you can ask the same question and get two different answers, he said the residents were told it would be used for fire equipment and that's what it should be used for. Mr. Figley then stated the ambulance says "East Palestine Fire Department" on the side of it and Todd said the ORC states that ambulance and fire equipment are two separate categories. Mr. Cohen asked why Mr. Todd sat through all three readings of the ordinance for the ambulance and didn't voice his concerns. Monteleone stated he had a copy of the minutes from the meeting where it was discussed about the levy money paying part of the ambulance and Mr. Todd was present at that meeting. Monteleone then read a quote from the minutes...."Monteleone stated the first payment would be made by the Fire Department from the money received from the Longanecker estate, the second payment from levy monies and the final four years could be levy or SIB loan money or both." Monteleone said the same quote was also made in the Morning Journal. Mr. Elzer asked Todd what his main concern is and Todd said he is worried about the levy money being depleted and then when a fire truck is needed there is no money there. Monteleone stated that Todd had helped him put together the next ten years of capital improvement for the Fire Department, which includes the ambulance in question and replacing two trucks, there are plans in place for the future, he said that he and Todd worked on this plan and presented it to Traci Thompson prior to presenting it to council. Todd said the initial plan was not to use levy money. Monteleone said that was correct at first but in 2012 Todd said he needed an ambulance and after they looked at the budget together he felt it couldn't be done in the near future unless they got creative and found a way to make it happen sooner. He said that is when he inquired to the law director at the time if the levy money could be used for the ambulance and she said yes, at which time he said he told Todd and they then worked out the plan including the Longanecker estate, the Sib loan money and the levy money to pay for the ambulance. Monteleone invited Mr. Todd to come to his office with the Chief Brown to go over the capital improvement plan and show him the plans to replace trucks at the fire department. Todd said the Village is "robbing Peter to pay Paul" and Monteleone said that is not the case. Mr. Cohen stated that council was confused as Mr. Todd is the one who started all of this and Todd said he needed the ambulance and thought the money was coming from the SIB loan payoff not from Fire levy money. Mr. Elzer stated he didn't feel that the Village was cheating the residents by purchasing an ambulance with the levy money, the ambulance benefits the residents. **There was no Clerks or Mayors report.** The minutes of the December 8, 2014 meeting were approved on a motion by Mr. Figley, seconded by Mr. Cohen. All in favor.

MANAGERS REPORT: Manager Monteleone stated there is a program through the new land bank. He said last year the Village acquired a piece of property on Park Ave for only a couple hundred dollars, now the Village has the opportunity to acquire properties that are going up for sheriffs sale at no cost. Monteleone said one of the properties currently available is at the entrance of the park. He also said these properties would need to be looked at on a case by case basis. (At this point the tape recording the meeting stopped for an unknown period of time). Law Director Power stated the state code has increased the fine for a minor misdemeanor from \$100.00 to \$150.00 and he suggested amending Village ordinances to be in line with state code. Mr. Elzer questioned emergency legislation procedure, stating he feels council has gotten in the habit of either going three full readings or only emergencies. He stated the emergencies don't have to be immediate, for example giving legislation one reading and then making it emergency and voting on it instead of doing it the first time its introduced. Atty. Powers said that is allowed and Atty. Beagle stated she likes that option as it gives the residents more time to

ask questions. Mr. Cohen stated legislation can be amended to an emergency at any time. Mr. Cohen made a motion to direct Atty. Powers to draw up legislation to increase the fine for a minor misdemeanor to \$150.00, seconded by Atty. Beagle. All in favor.

LAW DIRECTOR: NO REPORT

STREET: Mr. Figley stated he is pleased with the way the salting of the streets is being handled; they are saving salt and still getting the job done.

SAFETY/PARK/REC/CEM: NO REPORT

DEVELOPMENT: Mr. Elzer said Manager Monteleone and Finance Director Traci Thompson have done a good job cutting back on the debt for the Village. He said the Village looks very good.

UTILITY: Mrs. Wisser asked Monteleone to go over where things stand with the EQ Tank. Monteleone stated he, John Jurjavcic and Don Elzer have had a couple meetings on the subject. He said they met with an engineering firm that specializes in water and waste water and also a meeting with MS Consultants. He said they are concerned with how MS is handling the timeline stating they should have had a recommendation in November of what needed to be done. Mr. Figley asked who the new company was and Monteleone said it is Caldwell and Brown. Mr. Figley said he is not pleased with the pattern of the engineering firms. Monteleone stated MS said they would have a recommendation to us by mid January.

FINANCE: MR. TYGER WAS ABSENT Mr. Cohen stated that Mr. Tyger requested that the Supplemental Appropriations for tonight be passed as an emergency.

VISITORS: Chief Josh Brown, Josh Foster, Mark Walker, John & Dot Herbert, Karen & Rick Gorby, Jerry Coblentz, Jon Rettig, Terri Ward, Dianna Elzer, Cpl. Brian Moore, John Jurjavcic, John Simon, Katie White, Brett Todd.

THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION

Atty. Beagle introduced Ord. 17-2014 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance adopting updated fees for emergency medical services provided by the Village.** Atty. Beagle called for a vote on Ord. 17-2014. Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Figley-y, and Mrs. Wisser-y. Atty. Beagle introduced Ord. 21-2014 and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance authorizing the hiring and setting the salary for the position of superintendent for the Department of Public Service, Division of Streets, Cemeteries and Parks and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Elzer. Mr. Figley stated he didn't like emergencies and Mr. Elzer asked if it had to be an emergency and Monteleone said yes so they can get the position filled. Mr. Figley said the residents won't get a choice in the matter because of the emergency. Mr. Cohen asked where Monteleone was in the process of hiring the superintendent and he said he was waiting for this ordinance to be passed. Atty. Powers stated this is a position created by the Charter that hasn't been filled for years. Mr. Elzer said the problem is if it isn't an emergency it takes two months for it to go into effect but if it is an emergency it is only three days. Mr. Cohen asked it was emergency so he could have someone in place by the first of the year and Monteleone said yes but that he would leave it up to council. Mayor Zuch said there were 22 ordinances passed and 6 of those were emergencies not counting the three from last week. Mr. Cohen said three or four years ago almost all of the legislation was passed as emergencies. A roll call vote was taken on declaring the legislation emergency. 5 YES to pass. Atty. Beagle called for a vote on Ord. 21-2014. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Figley-y Mrs. Wisser-y. Atty. Beagle introduced Ord. 22-2014 and made a motion that it be read by title only seconded by Mr. Cohen. **An ordinance authorizing the Finance Director to make supplemental appropriations for the Village of East Palestine, Ohio for the fiscal year beginning January 1, 2014 and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency seconded by Mr. Cohen. A roll call vote was taken 5 YES to pass. Atty. Beagle called for a vote on Ord. 22-2014. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Figley-y and Mrs. Wisser-y. Mr. Cohen made a motion to go into executive session under ORC Section 121.22 to consider the purchase of property for public purposes and inviting the Village Manager, seconded by Mr. Elzer. After executive session Mr.

Cohen made a motion to resume regular session seconded by Atty. Beagle. Mr. Elzer made a motion to adjourn the meeting seconded by Atty. Beagle. All in favor meeting adjourned.

MISTI J. MARTIN CLERK

MAYOR MARGO ZUCH