

EAST PALESTINE COUNCIL - REGULAR - MONDAY, FEB. 27, 2012 - 7 P.M. PARK CENTER

Mayor Zuch called the meeting to order. Present were Tyger, Wisser, Elzer, Figley and Hull. Rauch arrived just as the meeting was beginning. Tyger made a motion to accept the Feb. 13th minutes as presented. Figley asked to speak. A direct quote from the tape recorder was used in the Feb. 13th minutes that read, "Figley said, 'Buy those 4 or 5 houses & make them your equalization basins'." Figley said he wanted it noted on record that when he made that statement at the last meeting, it was meant to be "tongue-in-cheek" and he wanted it to be noted that he did speak extensively about problems at the plant, also. Zuch asked for a second on the minutes, there was a second and the motion carried. There were no department reports or agenda items.

CLERK Cindy Clark said she ran an ad for summer jobs at the Park & applications are coming in.

MAYOR Zuch talked about all of the improvements that many downtown business owners have completed or are presently working on. She said Smith's have done a gorgeous job of painting their 1820 House & Shirley Smith's office, Huntington Bank did renovations, Circle K remodeled, Dollar General and PNC Bank are remodeling their interiors. She mentioned Terry Keresty's dance studio building & Big Dog Sports Bar. Zuch said the downtown area is coming along. She hopes that the empty stores will be filled & asked people to support downtown businesses. Zuch also said that a new store - Alpaca and Ewe - will open soon. They will sell knitting products and second hand items. She also said she saw a business owner sweeping the street in front of her business recently. She said, "That's the way it used to be. People didn't use to wait for other people to do it."

MANAGER Gary Clark announced that Peter Monteleone, who is presently the Police Chief of Shenandoah, Virginia has accepted the position as our new Chief of Police. Clark said Monteleone has been the Chief there for 12 years, was previously a head narcotics investigator, was a special State Police Officer with a regional drug task force, a patrol officer and a military Air Force veteran. He graduated from EPHS in 1987 and has an Associate Degree in liberal arts. Clark said the selection was unanimous. Clark said Monteleone was introduced to other officers today & everyone has been cooperative. Clark said he is pleased that there was so much interest from our local candidates. Clark said he is happy that everyone has pledged cooperation. Clark is also glad that Monteleone is a local person & Zuch noted he already owns a house in EP. Clark said he wants the Street Committee members to nominate streets for the chip & seal program. This is through the County Engineer's office. Clark announced pre-construction meetings at ODOT headquarters in New Philadelphia on March 8th at 11 and 1. He will get start dates for the Brookdale/Market/Main/Bacon projects. Clark said MS has prepared a proposal for hydraulic analysis of our water system. He asked Fiorio to speak on this & asked for Council's authorization for him to proceed with this. Clark said since this involves the reservoir project, he wants to hear from Council on this subject. Fiorio said that he, Clark, Diorio, Wisser & Figley met with the EPA 2 weeks ago & they required the City to get a professional engineering service to do an analysis of the water system to see what the effect of taking the Wheathill Reservoir down would have on the rest of the system. He said they are trying to keep the costs as low as possible. He explained they would coordinate testing and other things with Jurjavcic. A determination of the effects, if any, will be determined. The EPA then will make a decision after this analysis. Clark said we need this study whether we rehab or replace. Clark said, "This is the first step on both." Elzer & Figley had several questions regarding testing & inspections. Clark talked about "preventing surprises". Elzer asked about some prices & Clark said some of those numbers were pulled from an MS study. Clark noted there is a private drive there & will probably have to be re-built. Fiorino also talked about estimates & standard figures. He said the figures are probably a little high. Elzer asked about repairing the tank what Fiorino expected to find. He said, "There's really no way to answer that until we see it. I really don't have any expectations. No one has seen it for a long time." Fiorino brought up the schedule made by Clark & said both options will be kept open until we know the best way to go. The best way has not yet been determined. Fiorino said the 2 issues that the EPA has are the standing water & not being able to do an inspection. He said it is hard to find a material that protects the water from the brick but still allows for an inspection every 5 years, so that is the biggest issue with rehabilitation. At this point they are recommending a new tank. Rehab would have to be approved before the deadline. Figley said it has previously seemed more positive than Fiorino is sounding tonight. Figley said Gunnite, or that type of thing, is acceptable everywhere for major projects. Figley asked Fiorio how he personally feels about this & he replied that rehab may be an "uphill battle". Figley said, "If you don't have a positive attitude save the \$5000." Figley said that he felt Gary & everybody made progress that day and he doesn't see why we should blow another \$5000. Clark said right now the hydraulic study has to be done either way we go. Figley said that doesn't make sense to him. Clark explained that the hydraulic study has to be done before the EPA will give us permission to drain the tank. Figley said if MS is not behind the rehabilitation "we don't have a chance". He said he can see that MS wants a new tank. Fiorino said, "We are absolutely behind the rehabilitation. If we can determine a way, we are 100% behind it. We don't want to force anybody into building a tank." Figley said that it will take a positive attitude on their part. Fiorino agreed, but said that Figley had just asked him for his "personal opinion". Fiorino said

they want to pursue both options and said there is no increase in cost. Figley said there is, and it's \$5000. Clark again asked Council how they feel about this. Clark said if Council doesn't want to spend this money, we are pretty much committed to a new tank. Figley asked Clark what he thinks & Clark said he'd like to see the rehabilitation. Figley wants to know if Clark thinks we even have a chance at rehab. Clark said he thought they were receptive. Rauch made a motion, seconded by Wisser to allow the Manager to appropriate the funds for the hydraulic study. Motion carried unanimously. Fiorino said this depends on the weather. He feels the EPA looks at EP as a cooperative community. He said we don't want to get into the enforcement category that includes fines.

LAW DIRECTOR Shirley Smith spoke about oil & gas leases & said she has either contacted people who are known in the industry or has evaluated people who have contacted the Village directly. She said she's evaluated leases brought to her & reviewed addendum clauses. She spoke about protection of the lands, water, timber - natural resources clauses. She said she put together a group of clauses & addendum clauses that she would like to see in the lease. She noted Clark has been very helpful in pulling together deeds, etc. that are required. She said we are now waiting for mapping to come back & for a formal lease to be offered to us. She said this should happen in the next 2 weeks. She looked for restrictions on deeds, but she does not believe there are any. She said the Township may have a few things they are willing to submit. Smith said she'd like to follow up with the school, also. She said this will be a Council decision & that it will be up to Council to look at a prepared lease & authorize it or not. She said we have 135.025 acres of park land & 32.069 of cemetery land. Figley noted that he's talked to 4 people who said they are slowing down on the leases. He doesn't want the opportunity to pass. Smith said we have to wait until they truly make a formal offer. Smith said it's in everyone's best interest to wait for the final numbers. She expects that in 2 weeks. She said these groups have been spoken to: Chesapeake, Royal Dutch Shell, Hillcorp, BP, Buckeye Mineral, Eric Petroleum, Powers/Fruit Group. She noted that mapping is going on. She said she doesn't expect an offer from every one of them, but she is hoping that perhaps 4 will make offers. She said some have approached us & we have approached others. Wisser asked Smith if she is dealing with others in our community. Smith said that she has private clients. Wisser asked her about that & Smith said Council has to be involved & this is not her decision to make. She said she can only make recommendations. Smith said she has to consider surface vs. non-surface due to the park & cemetery lands. Smith said that makes it a different situation than when she's dealing with the average land owner.

STREET: Figley said they got 34 tons of cold patch. He noted a bad hole at 125 West Main. Other street problems & Park Drive were mentioned. Elzer asked about milling East Main down to the bricks. He said they are smooth but he doesn't know if there are missing bricks. Clark said we are under contract, so we'll find out in a few weeks. Wisser asked who is liable when someone "blows a tire" and she was told that the driver is liable. Rauch said he's surprised anyone could get up enough speed on Main to blow a tire. Wisser suggested a sign to let people know the streets will be done soon. Clark said some of the holes & areas mentioned are on the street crew list to do this week, weather permitting. Concerning Wisser's request for a sign, Clark said that he will get the street dates from ODOT soon & this information could be placed on the Community bulletin board.

SAFETY/PARK/REC/CEMETERY: Rauch explained that legislation will be presented tonight regarding park renewal levies. These are for the Auditor to certify the tax valuation. He said that our park is a great asset & passage of the levies is needed. Rauch spoke of attending the police interviews Saturday & thanked all those who applied for the job. Rauch was glad that all of the members of Council, the Mayor & the Law Director attended the interviews with the Manager. He said all were unanimous in selecting Monteleone. He said Monteleone was fantastic during his interview, & he extended congratulations to him. Rauch then apologized for missing the Development Committee meeting, but said there are days when it is impossible for him to leave his job prior to 6 P.M.

DEVELOPMENT: Elzer asked Clark questions about the County Health Department figures. Clark noted that Columbiana is a City, so their figures are different. Elzer then asked about bridge inspections & Clark said that Park is pending. Elzer asked where the 8-ton numbers come from & Clark did not know. Clark said they have been posted as long as he's been Manager & he has no specific records on this. Clark, Elzer & Figley made comments about various bridges. 20 ft. bridges will be done by ODOT. We'll have to do the 10 ft. ones ourselves, but not yet.

UTILITY: Wisser thanked all those employees in the village who have answered her many questions recently. Wisser said her time spent during the interviews of candidates for Chief of Police was the first time she "felt like a team member" since she became a member of Council. Wisser asked why nobody goes over the annual report. Mayor Zuch said, "Everybody does." Wisser asked where this happens & Zuch said, "At home." Wisser said as a business owner, she feels the annual report is "key" & is "very important". Zuch agreed that it is important. Wisser said a lot of work goes into preparing the annual report. Zuch said, "Gary and Cindy do a lot of work every year on that." Wisser said, "That's why I think we need to go over it." Wisser said she doesn't want questions about the report to "go by the wayside". Regarding discussion of the annual report,

Wisser said, "I've taken notes, but if I talk then I'm going to have to go into executive session." She again asked when it could be discussed. Rauch suggested that it be discussed at the next meeting. Zuch suggested going over it in steps because there is so much information in it & because there will be lots of questions. Both Rauch & Zuch suggested a one-hour time limit to go over it at the next meeting, but Wisser said that she is "willing to sit for 2 or 3 hours" to go over it. She added, "I really am." Rauch said, "OK. Well, I'll be gone after an hour."

FINANCE: Tyger said the health bill was \$13,299 & the general election bill was \$1403.88. Tyger said when we decided to back off of the Park Drive Bridge project, that took about \$20,000 from appropriations so there's some money there for chip & seal. Elzer asked if we've saved any money this year due to not much salting & plowing. Clark said that we are saving due to that & less overtime, but Tyger told Elzer that the last time he made a remark like Elzer's, we got about 20 inches of snow.

VISITORS: The following people were present in the building between 6 & 7 P.M. Some left at 7 P.M. or shortly thereafter & did not stay for the regular meeting and some did stay for the regular meeting. Debbie Jordan, Alan Cohen, Mary Ann Morgan, Traci Thompson, Barb Lynch, Shirley Gorby, Kathy Powers, Churck McGuire, John Martin, Bonnie Wittenauer, Dennis Colwell, Martha, Paul & Tim Powers, Rich Tilbrook, Tim Weigle, Katie Schwendeman, Scott & Jes McCrea, Mike Greaves, John & Brock Jurjavic, Rich Mercer, Robert Mercer, Dan Scott, Tiffany Inman, Dave Biggins, Greg & Myra Hyde, Al Wittenauer, Charles Bowyer, Brian Moore, Dan Figley, Sue Weigle, Lee Dyke, Pam Figley, John & Dot Herbert, Scott Wolfe, Ross Chick, Ron Novak, Tami & Bob Harris, Dorothy & Jay Sutton, John & Bonnie Davis, Karen Gorby, Kerri Stewart, Shirley Borgy, C. H. McCutcheon, Shelly & Dave Vargo, John Lansdowne, Joe & Edalene Guy, Dianna Elzer, Dante Fiorino. A portion of the sign in sheet was missing and several names were not legible.

LEGISLATION: Hull introduced **Resolution 1-2012** & made a motion, seconded by Rauch that it be read by title only. Carried.**auth. the Columbiana County Auditor to certify to the municipality of EP the total current tax valuation of the municipality and the dollar amount of revenue which would be generated by renewal of Park levies...** (1 mill levy) Hull explained that both resolutions are the same except that one is for one mill and the other for two. He explained that the Auditor will see how much revenue this will create. He also said that later there will be two additional pieces of legislation concerning this on Council's agenda. Hull made a motion, seconded by Rauch to suspend rules & pass this as an emergency measure. Carried with 6 yes votes. Hull called for a vote & there were 6 yes votes for passage. Hull then introduced **Resolution 2-2012** & made a motion, seconded by Rauch that it be read by title. Carried.**auth. the Columbiana Co. Auditor to certify to the municipality of EP the total current tax valuation of the municipality & the dollar amount of revenue which would be generated by renewal of Park levies...** (2 mill) Rauch explained this is the same, only the 2 mill one. He made a motion, seconded by Rauch to suspend rules & pass this as an emergency. Carried with 6 yes votes. Hull then called for a vote & it passed with 6 yes votes.

ADJOURN: Hull made a motion, seconded by Rauch to adjourn. Carried.

ATTEST: _____
Cindy K. Clark, Clerk of Council

SIGNED: _____
Margo Zuch, Mayor