

EAST PALESTINE VILLAGE COUNCIL AUGUST 12, 2013 COMMUNITY CENTER 7PM

Mayor Zuch called the meeting to order, present were Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Atty. Beagle was not present. The minutes from the July 22, 2013 Street Committee and Regular meeting were approved on a motion by Mrs. Wisser seconded by Mr. Cohen. All in favor. In reference to the July monthly water report Mr. Elzer stated there was a new column on the report labeled "OUPS" and asked what it was. Clerk Misti Martin explained there is a program through the Ohio Utilities Protection Service for marking of water & sewer lines. When OUPS receives a request they send a fax to the water department with the location and that column of the report shows the number of requests received in a month. The July monthly department reports were approved on a motion by Mr. Elzer, seconded by Mr. Cohen. All in favor. There were no Clerks or Mayors report and no one on the agenda.

MANAGER: Village Manager Pete Monteleone stated the chip and seal program is completed. Council put on an appreciation party for the Fire Department and had a very good turnout. He stated he is working with the FD on painting the train station, Marty Grim has got the labor donated if we come up with paint. The pool is slowing down and we are losing lifeguards who are going back to school. He stated earlier he passed around pictures of the Wheathill project. It's been a great year at the cemetery. He said last week the moved around 800 tons of grinding to make a shooting range off of Brookdale Ave. for the police department. Mr. Figley asked where they shot before and Monteleone said there was an indoor range in the basement of the PD and then out by the light plant. Mr. Figley asked if the county had a shooting range and Chief Dickey said yes. Mr. Figley asked if they used and Chief Dickey said not really. Monteleone stated they used the grindings to level off the area. Mr. Figley asked how high it would be. Monteleone asked Chief Dickey if he had the specs and he said not with him but it would probably be around 20 or 30 ft high. Mr. Figley asked if that is where all of the grindings went, Monteleone said only a portion of them and that was the plan from a long time ago. They are working on completing the Natureworks grant for the Brick Pavilion, the roof is done and they are putting new lights inside and once a minor repair is made to the chimney it will be finished. Mr. Elzer asked if the pool and concession stand were closing at the end of the month and Monteleone said yes. Mr. Elzer said he thought the plan was with our own lifeguard trainer that the pool could be kept open longer. Monteleone said it was but they did not get any adults this year but we can try again next year. Mr. Elzer asked about the concession stand, if it would be closing and Monteleone said yes. Mr. Elzer said we are losing a fortune and asked if it could be leased to a private company. Monteleone said that was discussed at a park meeting. Mr. Cohen said that he and Mr. Elzer had a discussion about it with EPYSA and there was some interest on their part but they changed their minds. Mr. Elzer said there is no down side, we could make extra money and take care of the people at the park. Mr. Elzer asked if we could let it be known that we are taking bids for someone to run the concession stand in the months that the pool is closed. Mrs. Wisser said she thinks that is a can of worms. Mr. Elzer said there are always people here that we don't sell anything to, football practice, baseball, and track meets. Mr. Cohen said hes been coming to the park this time in the evenings for a couple weeks during Little Bulldogs practice. The concession stand is open right now with all of these people here and none of them use the concession stand. Mr. Elzer said if someone leased it the park wouldn't lose anything. Mr. Cohen said that is true but why would someone lease it if they felt they wouldn't make any money and that everyone there brings their own things. Mr. Elzer said he is deciding no one wants to do it without asking and we lose nothing by asking. Mrs. Wisser said she feels people are lazy and the way to make money would be to load a golf cart and drive from point A to point B. Mrs. Wisser asked if the equipment would be their liability. Dot Herbert said it could be locked up and some of the equipment belongs to a company that they take back at the end of the season. Monteleone said he would look into it and Mr. Elzer said it would have to be done quickly as the pool closes in two weeks.

LAW DIRECTOR: NO REPORT

STREET: Mr. Figley stated he had strong objections to the piece in the newspaper about the Sumner St. Bridge, there wasn't much in it that was true, that it said the bridge was failing and part of it collapsed. Katie Schwendeman from the Morning Journal stated she saw that in the article but that she also knew it was just the curb lawn. Mr. Figley said there were other things that weren't true either and he said she (Katie) should look into it a little deeper before writing the story and Schwendeman said she did not write that story, it was Tom Giambrone who wrote it.

SAFETY/PARK/REC/CEM: NO REPORT

DEVELOPMENT: Mr. Elzer stated there was an article in the paper about the sewer line going to Unity and he asked again if we had any say in that or if they can just say they are doing it and we let them. From a city

standpoint connecting people who don't annex to the sewer means we will never annex to Rt 14. He stated we gave away 1000 ft last year and more this year and we have nothing to say about it. Mr. Figley said they shouldn't have put the sewer line in, that we should have and Mr. Elzer said we can't until we annex and they were working on that and in the mean time Unity did it. Mr. Figley said those people were under EPA mandate to tie in, and asked who responsible for getting them to annex. Mr. Elzer said we were and they were working on it. Mr. Figley asked what went wrong and Mr. Elzer said Unity put the sewer line in there by eliminating the need for them to annex and now it's happening again. Mr. Figley said someone dropped the ball on annexing and we can't force them. Mr. Elzer said we don't have to force them, we could entice them with sewer but instead Unity gave it to them. Mr. Cohen asked why we let this happen or did we have a choice, it's our sewer line, do we have to allow this. Mr. Figley said he believes you can't stop anyone from tying into sewer lines if Federal money is involved at the plant. Monteleone stated he did some research and it is just as Mr. Figley said, and you would have to show why they couldn't connect not just that you wouldn't allow it. Mr. Elzer asked if the lines being put in are big enough to support future development and Monteleone stated he could show him the plans. Mr. Figley said we should get a topographical of the remaining area to Rt. 14 and Mr. Elzer said it wouldn't matter because it wouldn't be part of the Village. Mr. Elzer said he wanted to know if we could stop this sewer project and stated that apparently we can't. Mr. Cohen stated he agreed with Mr. Elzer, that it was a hard sell to get people to annex to begin with and now there is no reason to. Mr. Figley asked how you could get them to annex and Mr. Elzer said they were under EPA mandate to do something with their sewer and we had the sewer, they were working on it and having meetings about it. Mr. Elzer stated that Unity Township did a good thing for themselves, they lose every time we annex so they made it so we couldn't. Mr. Figley said that sewer line has been running across Market St. for years and it smells and the Village had every opportunity to work on it and instead the annexed property for the nursing home and developed Leslie Run. Mr. Elzer said the Car Cruise is the 17th with a new even called "Touch a Truck" for kids. He congratulated the PD on the recent article in the paper. He asked about pole painting and Monteleone said it is still coming.

UTILITY: Mrs. Wisser said she is happy the light poles are being painted black. Monteleone said they went back and forth on paint colors and cost or no cost and eventually said the brown paint would cost extra so they went with black.

FINANCE: NO REPORT.

Mr. Cohen made a motion to go into executive session under ORC section 121.22 to consider the sale of property with additional business to follow and invited the Village Manager and Law Director to go in. Seconded by Mr. Tyger. All in favor.

Mr. Cohen made a motion to go back to regular session, seconded by Mr. Tyger, all in favor. Mr. Cohen made a motion to amend the agenda to include Ord. 30-2013, purchase agreement for the sale of 144 N. Market St. to be presented as an emergency, seconded by Mrs. Wisser, all in favor. Dianna Elzer asked who the sale of the building was to and Mr. Cohen stated that information could be disclosed. Mr. Figley stated that the purchaser had not accepted yet so we should hold off. Atty. Smith stated we do have an offer but she felt Monteleone would like to hold off until everything is confirmed.

VISITORS: Chief Kevin Dickey, Dan Scott, Katie Schwendeman, Chuck McGuire, Traci Thompson, John & Bonnie Davis, John & Dot Herbert, Mary Anne Tyger, Rich Bolon, Chuck Treece and Dianna Elzer.

LEGISLATION: Mr. Tyger introduced Ord. 25-2013 for a third reading 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, 2013.** Mr. Tyger called for a vote on Ord. 25-2013. Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y and Mrs. Wisser-y. 5 yes to pass. Mr. Cohen made a motion to amend Ord. 26-2013 to an emergency, seconded by Mr. Elzer. All in favor. Mr. Tyger introduced Ord 26-2013 for a third reading and made a motion that it be read by title only, seconded by Mr. Elzer, all in favor. **Authorizing the issuance of not to exceed \$235,000 of bonds for the purpose of constructing, reconstructing, and improving the West Street Bridge with related site improvements and appurtenances thereto, and retiring a note previously issued for such purpose; and approving related matters in connection with the issuance of the bonds and declaring an emergency.** Mr. Tyger made a motion to suspend the rules and declare an emergency, seconded by Mr. Cohen. All in favor. Mr. Tyger called for a vote on Ord. 26-2013. Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y and Mrs. Wisser-y. 5 yes to pass. Mr. Cohen made a motion to amend Ord. 27-2013 to be an emergency, seconded by Mr. Tyger. All in favor. Mr. Tyger introduced Ord. 27-2013 for a third reading and made a motion that it be

read by title only, seconded by Mr. Cohen. **Authorizing the issuance of not to exceed \$165,000 of bonds for the purpose of acquiring, improving, and renovating a building for municipal purposed with related site improvements and appurtenances thereto; and approving related matters in connection with the issuance of the bonds and declaring an emergency.** Mr. Tyger made a motion to suspend the rules and declare an emergency, seconded by Mr. Cohen. Mr. Tyger called for a vote on Ord. 27-2013. Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y and Mrs. Wisser-y. 5 yes to pass. Mr. Tyger introduced Ord. 28-2013 for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance 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.** Mr. Tyger introduced Ord. 30-2013 and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance providing for the authorization of the Village Manager to enter into and accept a certain real estate purchase agreement for the sale of the current municipal building located at 144 N. Market St. East Palestine, Ohio identified as permanent parcel no. 68-04105000 and parcel no. 68-00691000, deemed not needed for municipal use with the approval of the board, officer, and/or director having supervision thereof and/or municipal council , and in accord with methods of sale authorized by the Ohio Constitution and the Municipal Charter, further dispensing with the requirements of Ohio revised code 721.01 and 721.03,et seq, and declaring an emergency.** Mr. Tyger made a motion to suspend the rules and declare an emergency, seconded by Mr. Cohen. All in favor. Mr. Tyger called for a vote on Ord. 30-2013. Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, and Mrs. Wisser-y. 5 yes to pass.

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

Mayor Margo Zuch

Misti J. Martin Clerk.