

## **EAST PALESTINE VILLAGE COUNCIL-NOVEMBER 11, 2013 85 N. MARKET ST. 7PM**

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, and Mr. Tyger. Mrs. Wisser was absent. Also present was Village Manager Pete Monteleone, Finance Director Traci Thompson, and Clerk Misti Martin. The minutes from the October 28 meeting and the October Monthly reports were approved on a motion by Mr. Cohen, seconded by Mr. Tyger, all in favor. There were no agenda items or Clerks report.

**MAYOR:** Mayor Zuch stated there has been no response to the opening on the Zoning Board of Appeals and that she spoke with the current Chairman Mark Elick (whose term is expiring) to see if he is interested in doing it again. He said he has had some health problems but he would consider it. The Architectural Design Review Board has a member who no longer wants to serve, the position is to be filled by a member of council and Mr. Elzer has expressed interest in the position. On behalf of the Village Mayor Zuch expressed her gratitude to all of the Veterans.

**MANAGER:** Manager Monteleone stated he has scheduled the wage reopeners for the Teamsters and the FOP on November 19<sup>th</sup> at 9 and 10 am and that last year Atty. Beagle, Mr. Cohen and Mr. Tyger were on the committee and if there were no objections he would ask the same people for this time. Mr. Elzer asked about Monteleone's report in that he said possibly another department could use it, but it was too bad for the Fire Department to use it. Monteleone said that was just an option and then sell the other one or sell them both. Mr. Elzer mentioned Mr. Cohen's suggestion of a walkway coming into the park and Monteleone felt it could be done easily and is a good idea. In reference to the pool rate legislation and based on finding out how much money the concession stand was losing that he would like to table it until they can find out where the pool stands. Mr. Cohen said they aren't reducing rates except for the individual season passes but he agreed that there is no hurry and that after the concession stand findings everything at the park is subject to review. Mr. Figley asked if there is a record of hours spent plowing snow and Monteleone said they can get that information and they are also going to be studying the routes for salt/plowing. Mr. Figley asked if the negotiating committee was set in stone and Monteleone said he would leave it up to council. Mr. Tyger stated he didn't care one way or the other if he is on. Mr. Figley stated he felt Mr. Tyger would be more valuable than him but that he would like to be a part of negotiations also. Mr. Tyger stated in past it has always just been three but he didn't think there was anything to prevent more than that. Mr. Elzer asked if there was a time frame for the contract on the concession stand and Monteleone said he told the Mrs. Justison he wanted to see menus and pricing and have everything ready by January to start legislation. Mr. Cohen stated his recommendation as Chairman of the Park Committee will be to lease out the concession stand and that after seeing the numbers there is no other choice, by signing that lease we will already be ahead from last year. Mr. Elzer said it will also be more of a service. The school sent a report stating they sponsor 40 events at the park not counting baseball and Little Bulldogs. Mr. Cohen said he has heard people say that the stand will be open year round and that is not the case. Monteleone said it is a six month lease and Mr. Cohen said it will be open a month and a half before the pool is open and a month and a half after it's closed.

**LAW DIRECTOR:** Law Director Shirley Smith stated she has started to draft the contract for the concession stand and that she had it starting May 1<sup>st</sup> but she could start it January 1. Monteleone said they are only required to be open while the pool is. Smith stated that if Mr. Elzer was talking April then it would need changed. Mr. Elzer said if they feel they can make a profit in January to let them. Monteleone said it was being done this way because of the water being turned off. Mr. Cohen asked if this had to be bid out and Atty. Smith said she did not believe so. Atty. Smith stated she has only received one of the Manager Evaluations and reminded everyone to get them to her. In reference to the discussion at the last meeting about the house on W. Main St. with the hole in the back, if anyone had got an address so she could pursue the matter. Mr. Figley said the hole is a minor issue, that it would take a fireman with an air pack on to go in and look at the black mold in the attic, and he feels it should be torn down. Atty. Smith asked for the address and Clerk Misti Martin said it is 760 W. Main St. Mr. Figley asked who owned it and Martin said it is in the name of bank and there is a property management company that takes care of it. Mr. Figley asked if the Fire Department could go inside and Fire Chief Todd said he didn't know the legalities of entering the house. Atty. Smith stated she would be very uncomfortable with breaking down a door and walking in.

**STREET:** Mr. Figley stated there is about another week of blacktop plants being open and there are some serious holes that need fixed on W. Main, Liberty and Pleasant Dr.

**SAFETY/PARK/REC/CEMETERY:** Mr. Cohen stated he along with the Mayor, the Manager, the Park Board President and Dot Herbert had a meeting last week in reference to the concession stand, going over numbers and trying to decide what to do and the only other option instead of leasing it would be to close it. Mr. Cohen said he originally did not want to lease it out but he came around to realize that there was no other option. He said if anyone in the community had questions about why it was being done that they could contact him. Atty. Beagle stated that it bothered her that there could be other areas in the city where the same problem could be happening.

**DEVELOPMENT:** Mr. Elzer thanked the voters for passing the Fire Levy and for the returning Council members. He said the Chamber had the Craft Show last weekend and Bonnie Davis did a great job organizing it. Mrs. Davis said it went well and that the vendors were pleased. Mr. Elzer said with all of the events that they put on the goal is to bring people into town. The Turkey Trot will be Thanksgiving morning. There is a national event called "Small Business Saturday", which is the Saturday after Thanksgiving with prizes and give aways in town. Manager Monteleone stated that they took trees down by the pool and that the Elzers donated three trees to replace them.

**UTILITY: MRS. WISSE WAS ABSENT,** but Mr. Figley asked if the flow meters had been installed and Monteleone said that wasn't until spring. Mr. Figley asked if the Village had ever had an overflow from the plant in the creek since the big flood and how many times in the last four years that water has been pumped from Vine St. Monteleone said they could go over that with John Jurjavic. Mr. Figley then asked that Council go to Columbiania to look at their EQ Basins, he said he's been there and by his measurements they have a five million gallon facility there (two 150 ft x 100 ft tanks that are around 23 ft deep). Since they have been installed they have had approximately ten feet in one of them. Mr. Figley said he didn't feel they needed it and that we don't need it, we need to try to keep it limited in size because he doesn't want to see unnecessary money spent. Monteleone stated that the Harding Well work is scheduled to begin in December.

**FINANCE:** Mr. Tyger stated Council had received the budget for next year and that he would like to have a meeting to go over it before the next meeting on November 25 at 6:15. Mr. Elzer stated in reference to the financing for the new ambulance he said the fourth year it would be part levy and part SIB Loan. Monteleone said the first year payment would be made by the Fire Department from money they received from the Longanecker estate, the second payment from levy money; the final four years could be levy or SIB loan money or both.

**VISITORS:** John & Bonnie Davis, Chief Kevin Dickey, Dianna Elzer, Zach Gorby, Chuck McGuire, Kent Chapman, Emery Coon, Dan Scott, Katie Schwendemen , Chief Brett Todd, Traci Thompson.

**LEGISLATION:** In reference to the Electric Trust legislation Mr. Elzer asked what money is currently going into it. Finance Director Traci Thompson stated the money from the sale of lots at Leslie Run, and the connection fees from the Vineyards and one more payment for the street sweeper. Mr. Elzer said we are putting money into a fund that we can't take money out of and we now have a manager that is doing a great job with the finances. He said the police currently have a matching grant and they don't have the funds to utilize the grant and we are putting money in a fund we can't touch. We should be able to use the money for something productive. Mr. Cohen said the fund was never intended to be a checking account, it was a trust. Money that was used was never called a withdrawal, they were called loans and we say we aren't going to pay it back we shouldn't be able to lend ourselves money. Mr. Elzer stated we are better off with the police having body armor than we are putting money into this fund. Mr. Cohen said there are ordinances that require repayment and Mr. Elzer said we are the ones who make the ordinances. Mr. Elzer said the fund was set up 40 years ago and the rules were never followed. Mr. Cohen said they were followed but the money went very quick. Mr. Figley stated the citizens deserve an effort to repay the money, and when it's necessary we can come up with what money is needed. Dianna Elzer asked if there was a definite asset to having that much money in a fund that can't be used. Monteleone stated he spoke to OMEGA about that in reference to grants and sometimes there is and sometimes not, there is no concrete yes or no. Mr. Figley stated that the debt doesn't show as a liability, Finance Director Traci Thompson stated that it does show as debt for each department, it shows as asset and liability. Thompson also stated that the Auditor of State told her the money has to be paid back or they would be cited in the audit. Atty. Smith stated there is access to fund per the original ordinance passed in 1974 for construction or acquisition of permanent improvements. Mayor Zuch stated that we should just vote on the legislation. Atty. Beagle introduced Ord. 31-2013 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance suspending all payments on loans owed to the Electric Trust Fund for a period of two (2) years and**

**repealing legislation in conflict herewith, and as amended.** Atty. Beagle called for a vote on Ord. 31-2013. Atty. Beagle-y, Mr. Elzer-n, Mr. Figley-y, Mr. Cohen-y and Mr. Tyger-y. 4 YES and 1 NO to pass. Atty. Beagle introduced Ord. 33-2013 for a second reading, seconded by Mr. Cohen. **An ordinance amending codified ordinance section 248.05 Parks & Recreation as to pool/park rates.** Atty. Beagle introduced Ord. 34-2013 for a first reading, seconded by Mr. Tyger. **An ordinance adopting the appropriation for the current expenses and other expenditures of the Village of East Palestine, Ohio, during the fiscal year beginning January 1, 2014 and adopting estimated resources.**

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

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**Mayor Margo Zuch**

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**Misti J. Martin Clerk**