

EAST PALESTINE VILLAGE COUNCIL MONDAY NOVEMBER 25, 2013 7PM

Mayor Zuch called the meeting to order, present were Atty. Beagle, Mr. Elzer, Mr. Cohen, Mr. Tyger, Mr. Figley, Mrs. Wisser, Village Manager Pete Monteleone, Finance Director Traci Thompson, Law Director Shirley Smith and Clerk Misti Martin. The minutes from the November 19 Negotiation Committee Meeting and the November 11 Regular meeting were approved on a motion by Mr. Cohen, seconded by Mr. Tyger. There were no agenda items.

CLERK: Clerk Misti Martin stated there is a Finance Committee meeting at 6PM before the next Council meeting on December 9 and a CRA meeting at 6:30 PM on Dec 9. The Christmas Parade will be December 7th at 2PM.

MAYOR: Mayor Zuch thanked Mark Walker for volunteering 3 days of painting at the Municipal Building. The Market and Main St. event held on the 23rd had bad weather but it was still very nice. In reference to the appointments for the Library Board, there have been letters of interest submitted and after speaking to the Librarian and Bonnie Davis who is the Fiscal Officer stated that the appointments must be in place by December 31. All of the other boards work for Council but the Library Board is run by the state and asked that Council make a decision for the library board at tonight's meeting. Mr. Cohen stated that had to be done in executive session and that he would make the motion. Mr. Cohen made a motion to go into executive session to discuss the appointment to the Library Board, seconded by Atty. Beagle. All in favor. Mr. Cohen made a motion to come out of executive session. Mr. Cohen made a motion to appoint Stephen Hill, Gerry Guy and Nancy Reeves to the Library Board, seconded by Mr. Elzer. All in favor. Mayor Zuch asked that someone from Council notify those appointed and not appointed to the Board and Mr. Cohen said he would do it.

MANAGER: Manager Monteleone stated he gave Council a letter from the Ohio Rail Development Commission in reference to the coal dust issue. He stated he hasn't received any new complaints but if there are any problems to let him know along with approximate times and car numbers so we can pass it along to them. Mr. Elzer asked Monteleone to elaborate on the trail funding. Monteleone stated we were awarded \$43,515.00 from ODNR. This grant was to be a supplement to the original \$116,000.00. When he took over the position ODOT advised we hadn't received a match so he told them to table the grant. He then received a letter stating there was a match awarded, so after speaking with ODOT he found the original money was still available. ODNR will notify us in January or February when it is officially finalized and he wanted to let everyone know so it could be discussed whether or not to do it. Mr. Elzer said that is a very important section of the trail and a safety hazard. Manager Monteleone the trail would be behind the properties, but he has contacted some people to take him and familiarize him with the exact location. Mr. Cohen stated this should be discussed with the land owners. Monteleone stated there had been meetings previously when it was on the table. Mr. Figley asked whose land it was to go on and Mr. Elzer stated he thought it was railroad property and Monteleone said it isn't going to be on anyone's land but he thought the problem was it was going to be behind their land. Mr. Cohen stated that because there is no alley the property appears to be part of their backyards but it isn't. Mr. Figley stated the residents should be invited to a meeting to discuss it. Mayor Zuch stated that it affected DiCellos property the last time. Mr. Figley stated that he had previously asked for the hours spent snow plowing and he would like to continue to receiving them. He also stated at the last meeting he had asked for a report stating how many times Vine St. has been pumped since the plant flooded and that he had not received it yet and asked if it was possible to get that information and Monteleone said yes. Mr. Figley asked Atty. Smith if she found out who owned the 760 W. Main property and Atty. Smith stated it is U.S. Bank out of Ft. Washington PA and they purchased it at Sheriffs sale October 2012 and that she did mail a notice to them. Monteleone stated he went there on 11/21 and took photos confirming nothing had been done and also on 11/21 had the clerk fax a formal complaint from the Village to the County Health Department. Mr. Figley asked why the Fire Department can't go in and take pictures and Atty. Smith stated because it is private property. Mr. Cohen asked if the police issued a nuisance citation and file charges if that would create

probable cause and Atty. Smith said if they received a welfare or nuisance call that they could investigate. Monteleone stated they discussed filing charges after the 20 days elapsed and then they could proceed and Atty. Smith stated we have to give them proper notice.

LAW DIRECTOR: Atty. Shirley Smith stated she filed an interest on behalf of the Village on a property in regards to the CHIP Program and if it goes through foreclosure and there are sufficient funds to pay the first mortgage and real estate taxes the Village would recoup the money. Atty. Smith stated she had only received one completed review for the Manager. Mrs. Wisser stated she didn't realize the form she had was to be turned in, that she thought it was just to decide which form to use but she will get it turned in. At this point Atty. Smith stated she was not going to seek renewal of her contract with the Village. She thanked everyone for their support but she has decided to dedicate more time to her practice in E.P. and she will still support the Police and Fire and all of the various activities as she has done in the past. She stated that her contract expires at the end of the year.

STREET: Mr. Figley stated that he and Manager Monteleone looked at some street conditions and found some cracks on Alice St. that they are looking into. He also thanked the Manager for fixing the potholes he mentioned at the last meeting.

SAFETY/PARK/REC/CEM: Mr. Cohen stated he has spoke to Chief Dickey about the 911 situation. The County Commissioners are trying to centralize the 911 system and take away our power to dispatch for ourselves and centralize it in Lisbon. Chief Dickey stated it is important that it stay here so they can maintain control, everything is working fine as is and we will monitor the situation as it progresses. Mr. Cohen said it is in its early stages and it appears that Commission Weigle is behind it. Mr. Figley said we should look into it and see what it would save. Monteleone said we would keep out dispatch center either way; we would be losing just the 911 center. It wouldn't take over our dispatch, just the 911. Mr. Cohen stated if this happened when you call 911 it would go to the County and then to our local dispatch. Mrs. Wisser said it would be killing time in the case of an emergency. Mr. Elzer stated that the Village needs an emergency plan, to know where to go and what to do. Fire Chief Todd stated the County has a plan that includes all of Columbiana County and he doesn't see a need to rewrite what was already done. Mr. Elzer asked how everyone knows what to do and Chief Todd stated he and the Police Chief and the Manager have copies of the plan. Mr. Figley asked why they want to change the 911 system and Atty. Beagle stated they believe they will save money. Monteleone stated East Palestine has always had 911 and that is why we should keep it here. Mr. Cohen stated 911 is funded through a tax on phone bills and people are getting rid of their landlines so the money is drying up. Monteleone said there are taxes on cell phones but there are limits as to what it can be used for and they are trying to get those limitations broadened to help supplement the 911 system.

DEVELOPMENT: Mr. Elzer stated the 6th Annual Turkey Trot will be on Thanksgiving and thanked the Police, Fire and Street Department for their help. The Saturday after Thanksgiving is National Small Business Saturday and the Chamber is having raffles at the Christmas tree at 3:30 that day. He stated he had been discussing ways to get E.P. more involved in the oil & gas leasing with the Manager and Atty. Smith and the idea is to get the residents and the businesses marketed together as a three square mile property it could be leased together but it would be a big undertaking. He said that any property not claimed becomes Village property so we would stand to make more money. He stated he asked the Manager to purchase a CD available from the County listing all of the parcels in East Palestine and for Atty. Smith to come up with some type of agreement for everyone to sign to try and make a package deal. He said the smallest lot he could find is approximately 50 x 150 ft and under that scenario those people would get around \$700 in bonus money and that would help our economy. Mr. Figley stated this has been done in other communities. Mr. Cohen questioned how Council could be involved as a contracting authority in that situation and Atty. Smith stated Council could not be a contracting authority, that it would have to be on a volunteer basis. Mr. Cohen said a private corporation being formed by the citizens of EP being formed to do this but not Council and he doesn't see how the Village can benefit. Mr.

Elzer said all of the property now is spread out and this way it would be one piece and more marketable. Mr. Elzer said we would not be awarding anything, only helping put the group together. Atty. Smith said the Village could get information to people and if there was a strong showing of interest it could be possible but each contract would be independent. Mr. Elzer said there is nothing to lose by doing it. Mr. Figley said we already do something similar with the gas and electric aggregation the only difference is if they sign up for this they would get the bonus money. Mrs. Wisser asked what if someone doesn't sign up and Mr. Cohen said they would have to have rights of everyone under whom they would drill under. Mr. Figley said this could be a long way off because they have enough right now to drill for the next five years. Atty. Smith stated she has been leasing in her private practice at reasonable pricing. Mr. Figley stated that if there is someone between two pieces of property that doesn't want to sign they can just take the property and they wouldn't get the signing bonus. Atty. Smith said that wouldn't happen in the initial leasing stage.

UTILITY: Mrs. Wisser had no report. Mr. Figley stated at the last meeting he asked Council to go to Columbiana to look at their EQ Basins and asked if anyone did. Mrs. Wisser said she had done so in the past and Mr. Cohen stated he had seen them before.

FINANCE: Mr. Tyger stated there will be another Budget/Finance Committee meeting before the next meeting at 6PM.

At this point Mr. Elzer made a motion to go into executive session to discuss personnel. Katie Schwendeman from the Morning Journal said that they have to give a more specific reason other than personnel. Atty. Smith stated they do not have to name the person but they must indicate whether it is for appointment, employment, dismissal, discipline, promotion or compensation of an employee per ORC Section 121.22 G1. Mr. Elzer made a motion to go into executive session with Atty. Shirley Smith per section G1 to discuss discipline, dismissal or reassignment of an employee, seconded by Mr. Figley. All in favor. Approximately 40 minutes later Council returned and Mr. Cohen stated they were back in regular session.

VISITORS: John & Dot Herbert, Dianna Elzer, Chuck McGuire, Chief Kevin Dickey, Mark Walker, John & Bonnie Davis, Jerry Coblenz, Zach Gorby, Pam Figley, Emery Coon, Larry & Terri Ward, Dan Scott, & Katie Schwendeman.

LEGISLATION: Mr. Elzer made a motion to table **Ord. 33-2013 Park/Pool Rates**, stating there is no rush on passing it and he would like to wait until they get more information. Mr. Cohen said he would rather not table it as it can be changed again if needed. Mr. Figley seconded Mr. Elzer motion to table. Mr. Elzer, Mr. Figley and Mrs. Wisser in favor of tabling, Mr. Cohen, Atty. Beagle and Mr. Tyger opposed to tabling. Mayor Zuch cast the tie breaking vote as nay. **Ord. 33-2013 was not tabled.** Atty. Beagle introduced Ord. 33-2013 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance amending codified ordinance section 248.05 Parks & Recreation as to Pool/Park rates.** Atty. Beagle called for a vote on Ord. 33-2013. Atty. Beagle-y, Mr. Elzer-n, Mr. Figley-n, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-n. A tie vote, Mayor Zuch voted yes to break the tie and pass Ord. 33-2013. Atty. Beagle introduced Ord. 34-2013 for a second reading and made a motion that it be read by title only, seconded by Mr. Elzer. **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 an adopting estimated resources.**

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