

EP VILLAGE COUNCIL 2/13/23 85 N. MARKET ST. 7:00 PM

Mayor Conaway called the meeting to order. Present was Ms. May, Mr. Povenski, Dr. Rocco, Mr. Runnion, Mr. Simpson and Mr. Walker. Also present was Interim Manager/Finance Director Traci Spratt, W/WW Superintendent Scott Wolfe, Street Superintendent Steve Baird, Law Director David Powers, Fire Chief Keith Drabik, BZ Inspector CH McCutcheon and Clerk Misti Martin. The minutes of the Reg & Finance Committee meetings of 1/23/23 and the Special Council meetings of 2/3/23 were approved on a motion by Dr. Rocco seconded by Mr. Runnion. The January 2023 department reports were approved on a motion by Dr. Rocco seconded by Mr. Runnion.

AGENDA: Erica Kinkead-Questions in reference to the train derailment. (See attached list of questions). Mayor Conaway stated that we would answer what questions we could and then get back to her with the answers we did not have at that time.

1. What is the chemical footprint of the disaster, and given migration patterns of the chemicals through the air, soil and water, how can we expect the footprint to grow over time.
2. How long and often will city water be tested for the chemicals of the spill and clean up process as well as any hazardous by products of their degradation? Who will provide this testing for private wells and how long? **W/WW Superintendent Scott Wolfe stated in reference to the Municipal Water system testing will be ongoing for the foreseeable future. He also stated he, as well as the County Health Department and Norfolk Southern all do independent testing that is handled through three separate labs. In reference to testing of private wells that would be handled through the health department/OEPA. In reference to Village wells, per the permit from the EPA they are not tested yearly for VOC's but moving forward he is going to test once a month. In ref to historical data the previous superintendent had done VOC well testing and nothing was detectable. To explain the testing, imagine a billion grains of sand we are trying to find one grain of something to show up. There has never been anything detected and that benzene and vinyl chloride are specially tested for but also fertilizers, hairspray, gas/oil.**
3. Who will be conducting the health risk assessment and when can we expect those results to be available to the public. **Mayor Conaway said more than likely it will be in conjunction with the health department and OEPA.**
4. Who will continue to oversee this situation as we move past the acute response and into the coming years/decades. **Mayor Conaway said in reference to ground water, air and soil will be OEPA in conjunction with contractors of NS.**
5. Who can the public communicate with to get answers to any questions or concerns they have moving forward. **Mayor Conaway said we will be relying on the County Health Department, the EPA as well as CTEH.**
6. What is the city's plan to restore/maintain public trust and educate the public on this disaster, chemicals, the response and the risks they face moving forward so that families can make informed decisions and best advocate for themselves? How will data, assessments and action plans be communicated to the public. **Mayor Conaway said the EPA is setting up an informational website that will include the consist. To clear things up he we knew what was on the train, we just didn't know what was on fire because it was a giant cluster of confusion. They determined what the worst chemical in the most quantity on the train was and determined what the evacuation circle would be from there. He stated we as the village have to rely on the experts including the Dept. of Agriculture for soil samples. He said that we all live here and are concerned and that he will do whatever it takes to get the answers.**
7. What is the Village's plan to recover fiscal losses from the disaster? How will the railroad help to improve East Palestine's image among the public so that we can continue to grow our schools, businesses and population. **Mayor Conaway stated that is a tricky situation, its going to take time to recover. He said eventually the finances will be taken care of/recovered and that so NS has been good to work with. Public image is going to take time, he hopes this will make us a stronger community but there is a long way to go.**

CLERK: Clerk Misti Martin stated Republic Services would be providing two roll off dumpsters for the residents to use to aid in cleaning up their properties at no charge to the Village. The dumpsters will be located in the parking lot behind the Municipal Building across from the recycling bins.

MAYOR: Mayor Conaway thanked the community for their support during the crisis, the first responders, the city crews, and administration. He said this has been a dark day in our history but he feels we will grow and rebuild. We have a long way to go and it's going to take time to heal, and that all of the in fighting on social media isn't helping. We need to come together and help each other. The outpouring of donations, support and well wishes from other communities has been very humbling. He said there is an informational meeting Wednesday at the Highschool at 7:00 pm. He said we are going to do what we have to to make this right and NS is going to have to pay for it. The Park Committee meeting that was scheduled for 2/27/23 is postponed until further notice.

MANAGER: Interim Manager Spratt thanked Mayor Conaway for stepping up as the spokesperson during this crisis. She said this has been a whirlwind and she thanked everyone for their help and support, she really appreciated how everyone came together and noted that we still have a long way to go. Still moving forward with the water line replacement project. The annual reports were distributed to Council the beginning of Feb. The Park Drive Bridge project has gone out to bid and they only received one so it is being recommended to rebid the project. With the current state of emergency, she asked council for a motion to not charge penalty as well as the fee for the hand delivered pink shut off notices for the month of Feb to help the residents, she also noted we would not be terminating water service in February. Mr. Walker made the motion, seconded by Dr. Rocco, passed unanimously. In ref to the water project she said we will be taking out the portion of boring under the railroad. She said council needs to begin thinking about summer park employment, pool prices, and reopening the concession stand.

LAW DIRECTOR: Atty. Powers requested an executive session to discuss pending litigation.

STREET: Mayor Conaway said there had been complaints of the clean up trucks traveling the local streets, he said we have corralled that to one street to help contain contaminants. If anyone sees them other areas to please contact someone. Mr. Walker asked if there was ongoing street sweeping to which Mayor Conaway said yes. Resident/business owner Ashley McKim asked if water could be sprayed to help keep dust down, Fire Chief Keith Drabick said they are supposed to be doing that and he will address it with them.

PARK/REC/CEM: NO REPORT

DEV/FINANCE: Ms. May stated the planned meeting with Senator Browns office to discuss projects has been postponed. Dr. Rocco added the February Park Board meeting has been cancelled.

UTILTIY: Mr. Simpson reiterated that the drinking is being tested regularly. W/WW Superintendent Scott stated that we would never send unsafe drinking water to our residents. An unnamed resident asked what would happen if something did come up with the drinking water, Mr. Wolfe stated that would result in immediate shut down and go into our contingency plan.

SAFETY: Povenski thanked the Police and Fire Chiefs, as well as Mayor Conaway and Interim Manager Spratt. He said the community is proud of them and that we trust their decisions moving forward.

THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION

VISITORS: David Peters, Jerry Coblentz, John Davis, Amanda Smith, Karen King, John Cozza, Jonathan & Erica Kinkead, Tami & Bob Harris, Rick Gorby, Nicole Johannes, Bill Hugar, Katie White, Mike & Ashley McKim.

LEGISLATION: Mr. Runnion gave a special thank you to a group of high school students who got the red cross shelter at the high school ready to go the night of the crash. Mr. Runnion introduced Ord. 1-2023 and made a motion that it be read by title only seconded by Mr. Walker. **An ordinance amending, creating, and adopting Chapter 1442 Contractor Registration of the Codified**

Ordinances of East Palestine, Ohio. Mr. Runnion called for a vote on Ord. 1-2023. Ms. May-y, Mr. Povenski-y, Dr. Rocco-y, Mr. Runnion-y, Mr. Simpson-y. Mr. Runnion introduced Ord. 2-2023 for a second reading and made a motion that it be read by title only seconded by Mr. Walker. **An ordinance establishing the procedure and policy regarding lead and galvanized water line replacement in the Village of East Palestine, Ohio.** Mr. Runnion introduced Res. 1-2023 and made a motion that it be read by title only seconded by Mr. Walker. **A resolution authorizing the Village Manager to temporarily authorize overtime payment for employees designated as exempt from the requirement of overtime payment under section 1.02 (d) of the East Palestine Employee Manual (white book) and the fair labor standards act.** Mr. Runnion called for a vote on Res. 1-2023. Mr. Povenski-y, Dr. Rocco-y, Mr. Runnion-y, Mr. Simpson-y, Mr. Walker-y, Ms. May-y. At this time Mr. Simpson made a motion to go into executive session per ORC121.22 to discuss pending litigation inviting in Atty. Powers, Manager Spratt, and Chief Drabik to discuss pending litigation, there may be possible action afterwards, the motion was seconded by Mr. Runnion. Ms. May-y, Mr. Povenski-y, Dr. Rocco-y, Mr. Runnion-y, Mr. Simpson-y. Mayor Conaway then returned the meeting to regular session with Mr. Simpson making a motion to direct Atty. Powers to prepare legal action against the 4 properties that we have been trying to condemn, the motion was seconded by Mr. Runnion. Passed unanimously.

ADJOURN: Mr. Simpson made a motion to adjourn the meeting seconded by Ms. May. All in favor, meeting adjourned.

MISTI J. MARTIN CLERK

MAYOR TRENT CONAWAY