

PROCEEDINGS

Lordstown Village Council Regular Meeting

(WHEREAS, the regular meeting before the Lordstown Village Council commenced on Monday, September 21, 2009, at 7:45 p.m. and proceedings were as follows:)

(Lord's Prayer and Pledge of Allegiance to the Flag)

MAYOR CHAFFEE: Clerk Hall, would you call the roll, please.

MRS. HALL: Mayor Chaffee?

MAYOR CHAFFEE: Here.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Here.

MRS. HALL: Mr. Bond?

MR. BOND: Here.

MRS. HALL: Mr. Hill?

MR. HILL: Present.

MRS. HALL: Mr. London?

MR. LONDON: Present.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Here.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Here.

MRS. HALL: Clerk Hall, present. Treasurer, Sharon Ebling?

MRS. EBLING: Here.

MRS. HALL: Solicitor Paul Dutton?

SOLICITOR DUTTON: Present.

MRS. HALL: Police Chief Milhoan?

CHIEF MILHOAN: Here.

MRS. HALL: Fire Chief Wishart?

CHIEF WISHART: Here.

MRS. HALL: Street Commissioner Dave Harrison? (NO RESPONSE – ABSENT.) Planning, Zoning, Ron Barnhart?

MR. BARNHART: Here.

MRS. HALL: Superintendent of Parks, Buildings, Grounds, Dale Grimm?

MR. GRIMM: Here.

MRS. HALL: Board of Public Affairs?

MR. DRAY: Here.

MRS. HALL: Village Engineer, Ken Dombroski?

MR. DOMBROSKI: Here.

MRS. HALL: East Side Sanitary Sewer Engineer, Jim Farina? (NO RESPONSE – ABSENT.) And Rec. Director, Marty Gibson?

MRS. GIBSON: Here.

MAYOR CHAFFEE: I'll entertain a motion to excuse Mr. Harrison who is out of town.

MR. LONDON: So moved.

MR. BOND: Second.

MAYOR CHAFFEE: Moved by Mr. London; second by Mr. Bond. All in favor?

COUNCIL: Aye.

MAYOR CHAFFEE: Opposed? (NO RESPONSE FROM COUNCIL.) (VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

I'll entertain motions on the agenda.

MRS. WILSON: I'd like to make a motion that we suspend the rules so we may add an Ordinance.

MR. HILL: Second.

MAYOR CHAFFEE: Moved by Mrs. Wilson; second by Mr. Hill to suspend the rules to consider adding an Ordinance. Clerk Hall, would you call a roll on that.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules passes 6/0. I'll Entertain a motion to add that to the agenda.

MRS. WILSON: So moved.

MAYOR CHAFFEE: Moved by adding the language that says, "An Ordinance declaring that the residence property situated at 6278 Tod Avenue within the Village of Lordstown is a nuisance and authorizing the Planning and Zoning Administrator to abate such nuisance pursuant to section 1351.04 of the Codified Ordinances of the Village of Lordstown and declaring an emergency." This is from the Safety Committee, London, Biggs and Hill.

MRS. WILSON: As you say.

MAYOR CHAFFEE: Moved by Mrs. Wilson.

MR. LONDON: Second.

MAYOR CHAFFEE: Second by Mr. London. Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, would you call a roll on that.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to add that piece of legislation passes 6/0. I'll entertain a motion to adopt the amended agenda.

MR. LONDON: So moved.

MR. SULLIVAN: Second.

MAYOR CHAFFEE: Moved by Mr. London; second by Mr. Sullivan.

All in favor?

COUNCIL: Aye.

MAYOR CHAFFEE: Opposed? (NO RESPONSE FROM COUNCIL.) (VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

I entertain a motion to approve the public hearing minutes from September 8, 2009, and the regular meeting from September 8, 2009.

MR. HILL: So moved.

MR. SULLIVAN: Second.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mr. Sullivan.

Discussion? (NO RESPONSE FROM COUNCIL.) All in favor?

COUNCIL: Aye.

MAYOR CHAFFEE: Opposed? (NO RESPONSE FROM COUNCIL.) (VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MR. SULLIVAN: I'd like to make a motion to go to executive session.

MAYOR CHAFFEE: So moved. Is there a second?

MRS. WILSON: Second.

MR. SULLIVAN: That's for pending litigation.

MAYOR CHAFFEE: Moved by Mr. Sullivan; second by Mrs. Wilson to go to executive session to discuss pending litigation. Clerk Hall, would you call the roll, please, on that.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: We adjourn to executive session. Are we inviting just council?

MR. HILL: Also, do you want the Solicitor there?

MR. BOND: Probably should.

MR. HILL: Mayor, Council and Solicitor.

MAYOR CHAFFEE: Clerk?

(COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 7:50 P.M. AND RESUMED AT 8:15 P.M.)

MAYOR CHAFFEE: Before entertaining motions on the payment of the bills, I want to, on the record, make sure that we understand that Bill 34 for Marucci & Gaffney, the exact dollar figure is \$44,012.18.

MRS. HALL: It's actually a reduction.

MAYOR CHAFFEE: There was a typographical error on that.

MR. HILL: I'd like to make a motion to pull No. 26, JFE Consultants.

MAYOR CHAFFEE: It's moved to pull Bill 26, JFE Consultants, by Mr. Hill. Is there is second?

MRS. WILSON: Second.

MAYOR CHAFFEE: Second by Mrs. Wilson. Discussion?

MR. BIGGS: Again, I'll reiterate, I don't think it's right to discriminate against one engineer or one contractor and hold money for work they performed.

MAYOR CHAFFEE: Other discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, if you'd call a roll, please, on that motion.

MRS. HALL: Mr. Biggs?

MR. BIGGS: No.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: No.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to pull Bill 26 passes four, yes; two, no. Other motions on the bills that are in front of you? (NO RESPONSE FROM COUNCIL.) If not, I'll entertain a motion to pay the bills, minus Bill 26.

MR. HILL: So moved.

MR. BOND: Second.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mr. Bond. All in favor?

COUNCIL: Aye.

MAYOR CHAFFEE: Opposed?

MR. SULLIVAN: No.

MAYOR CHAFFEE: Unless I heard differently, we had five in favor and one, no. Any discussion on the record there for that?

MR. SULLIVAN: I feel that we haven't got the job completed from Marucci & Gaffney and for the same reasons we didn't pay 26, I think

is as equitable on the Marucci & Gaffney bill.

MRS. WILSON: I have a comment. I voted yes because we did pay the engineer on that project. It was in addition to the contract. That's the reason I supported the payment.

MAYOR CHAFFEE: Any other discussion? (NO RESPONSE FROM COUNCIL.)

Next item is the Mayor's report. I want to start with some thank you's. I'd like to thank Bill Blank and Bill Dray for yet another outstanding golf outing. This was our seventh?

MR. BIGGS: Sixth.

MAYOR CHAFFEE: It was a great day. Well planned out, as always. I'd like to thank all the volunteers, all the sponsors. There are some people here that volunteered and some people here that sponsored some things. I think it's terrific. I think anything we can do for our graduating seniors to help them defer the cost of college I think is a great thing. I hope it continues and grows back to the numbers it was. I know we're down a little bit this year, but it's tough economic times; and I think everyone understands that.

I'd like to thank and congratulate everybody associated with this years Apple Cider Festival. Again, the feedback I received was terrific. Everybody seemed to think that this years was the best in recent memories. It seemed like there was a little bit more there and a little bit more to do.

I know that some of you are on that committee and it's a 12-year — or a 12-month a year project. It seems like 12 years, probably. It's a 12-month project put together in a three-day festival. I know that sometimes that is a frustrating job, but the end results were exceptional. And, again, I'd like to thank everybody that sponsored things, people that put ads in the book and all of the people on the committee that worked very hard to do that.

MR. SULLIVAN: Could I add one thing to that? I thought it was by far the best and it was certainly the most well attended. Sharon and Tom Dietz, you talk about the 12 months. They work 12 months and for that whole festival time both of them were there 15 and 16 hours a day. And I think it would behoove council to send a letter of thank you or something on that order.

MAYOR CHAFFEE: I think maybe we can even make some presentation to them.

MR. SULLIVAN: I agree.

MAYOR CHAFFEE: I think that would be well in order.

MR. HILL: That might keep them coming back.

MAYOR CHAFFEE: I think what keeps them coming back is there's nobody jumping up and down that says, I'll jump in and do this. We are starting to get a few new people on that committee. Again, it was a great time. I had great feedback.

I'd like to give you just a brief update. Last Tuesday, as you know, President Obama visited the Village of Lordstown. I would like to

commend our Police Department and our Fire Department for the roles they played in that. This was a big, big deal. It's not like he called us Tuesday morning and said, "I'm going to be here in a couple hours. Could you have a police car and fire truck out there?" A lot of extra work and a lot of overtime went into this. The feedback from that was exceptional.

I did have the pleasure of being selected as a greeter to welcome the President to the Village of Lordstown. On behalf of the elected officials and residents of Lordstown, I did present him with a plaque and a key to the Village on it. I can tell you he was very appreciative of it. He said it was a very nice gesture on our part. He pulled me out of the line of greeters. We took a separate picture. He told me afterwards, again, thank you. That was a very nice gesture. Tell everybody thank you. Trust me, it was the most humbling thing I've ever been a part of. When you see — you can prepare yourself all you want that you're going to meet the President of the United States. When you look up and the President of the United States is standing in front of you, it is a very humbling experience. And I thank him for his interest in the auto industry. And I thank him — you know, our plant's going up to two shifts. There was even talk — I had the pleasure of meeting Fritz Henderson, who is the CEO of GM, and there's actually talk of a third shift. This is an exciting time out there, and we are moving forward.

I did make the President an offer. I said I'll take care of health

care if you'll take care of the east side sanitary sewer. He said if Mr. Zoldan is involved, I'll take care of health care. (Laughter.) Try as I could to snooker him with the gift, it didn't work. I didn't make that offer because I knew what the answer would be.

I'm just proud to represent everybody, and again I want to thank the chiefs and all of our employees that were a part of that. Because, again, it's not every day that the President of the United States comes to your town. And I think it's great news for the plant because I don't think that he's going to go places that he thinks are sinking. He's going places that he thinks are rising and the momentum at our plant is very good.

There was a Cruze there. It was a mock-up, but the interior was — it's a very nice vehicle. The President signed the one millionth Cobalt to come off the line, which happened in the last week or two and congratulate the General Motors workers for that. He signed the hood of the mark-up Cruze and wrote on it, "Car of the future" and signed his name to it.

I know we had a lot of people here who were involved in it in one way or the other either as police officers or police chiefs. It was pretty cool watching the helicopters take off, too. It was a pretty cool event.

That's it for the Mayor's report. Clerk Hall, do we have a Clerk's report this evening?

MRS. HALL: I have no report this evening, Mayor Chaffee.

MAYOR CHAFFEE: Any questions for our Clerk? (NO RESPONSE FROM COUNCIL.)

Solicitor's report?

SOLICITOR DUTTON: No report.

MAYOR CHAFFEE: Any questions? (NO RESPONSE FROM COUNCIL.)

Treasurer's report?

MRS. EBLING: No report.

MAYOR CHAFFEE: Any questions for our Treasurer? (NO RESPONSE FROM COUNCIL.)

Board of Public Affairs. Mr. Dray, any report?

MR. DRAY: No report.

MAYOR CHAFFEE: Any questions for Mr. Dray? (NO RESPONSE FROM COUNCIL.) Appreciate you coming.

Village Engineer's report?

MR. DOMBROSKI: No report tonight, Mayor.

MAYOR CHAFFEE: Any questions for our Engineer? (NO RESPONSE FROM COUNCIL.)

Special reports, Police Chief Milhoan?

CHIEF MILHOAN: Just two things, Mr. Mayor. I would also like to thank the departments that assisted us with the Presidential visit. I have sent letters to respective departments; but publicly, I'd like to thank Sheriff Thomas Altieri and Chief Deputy Ernie Cook at the Trumbull County Sheriff's Office. They actually provided 17 deputies for the Presidential visit. Also, Chief Kuivila from

Newton Falls Police Department. They provided six officers, and the Boardman Police Department provided two K-9 units to work along with our officers and also the fire department.

As you mentioned, this doesn't happen overnight. There's a tremendous amount of planning that goes into this, and all the departments worked very well together with the Secret Service. We wouldn't have been able to do it without the help of the mentioned departments.

Lastly — and there's some handouts over on the table, and I know I gave them to members of council — there's a flyer on our senior watch program that we're anticipating starting here in the near future. This senior watch program was brought to my attention by two of our dispatchers, Dispatcher Judy Musser and Dispatcher Jim Richmond. They had approached me about starting a senior watch program similar to the one they started in Liberty because of Mary Rush. Mary Rush was an 87-year-old township resident who inadvertently locked herself out of her home and was not able to get the help she needed and they were unable to locate her, and she ended up passing away of hypothermia. Because of that, Liberty started what they call a senior watch program, and we would like to mirror something similar to that where we would check in on our seniors or they would call into us letting us know they are okay.

It involves the possibility of installing lock boxes on their home which would allow us to gain entrance to their home in the event of

an emergency. We also would like to provide what they refer to as blinky lights which assist police, fire and EMS in locating their home. The light flashes — I'm sure some of you can appreciate that sometimes it becomes difficult finding a home. They're not all marked very well. Although some of my officers are from the Village and know a lot of people that live here in the Village, some of the officers are not from the Village. So for us to just throw out a name, sometimes that doesn't help, certainly.

I would ask council for their support in the program. We're in the beginning stages. Councilman London and I recently visited our seniors upstairs during lunch and briefed them on the program to see if there was any interest. If there wasn't any interest in the program, we weren't going to pursue it. But in meeting with the seniors during the lunch and then meeting with SCOPE the same day, there appears to be some interest in the program.

With the assistance of Councilman London, we were able to get some of the flyers out that you have in front of you and on the table at the Apple Cider Festival, and I plan on putting that in the next newsletter which I believe, Mayor, is coming out the end of October, first of November, sometime around there.

We're looking for some more feedback. This is for Lordstown residents only, 62 years or older or disabled. We want to avoid having a situation like Liberty dealt with. So I was thrilled that two of my dispatchers thought it would be a good idea and wanted to

pursue it. I would appreciate your support on that.

We talked about it in the Safety meeting today, and we're going to need some money to get started. And, again, not knowing how far this is going to roll, we want to make sure there's no cost to our seniors or disabled residents.

These lock boxes, we can get for \$40, regular \$70. We can get them for \$40. The blinking lights, from what I understand through Judge Swift's program, with the exchange of an old cell phone, the lights are free. I appreciate your Support. Jim, did I leave anything out?

MR. LONDON: I think you covered it well.

MAYOR CHAFFEE: Questions for our Police Chief? (NO RESPONSE FROM COUNCIL.)

I would also like to commend the Chief. Yesterday during the parade, the Chief was nice enough — some of you know John, who is — John's disabled. He's in a wheelchair, and he patrols our quadrant of the town. John does 12 miles a day in his wheelchair. He's his own neighborhood watch. If something is amiss, he knows it.

Where he lived before he was always a part of parades and things of that sort, and our Chief was courteous enough to take John in the parade route yesterday. It does mean a lot to John. John also completed the 5K race yesterday. It was his first 5K. He is a special guy. He does provide a service to us. If there's something amiss, believe me, he lets people know about it. I appreciate, Chief, you doing that. I know it meant a lot to him, also. That's

a big deal to him.

If there's no questions for our Police Chief, Fire Chief Wishart?

CHIEF WISHART: I have no written report. It was an honor to meet the President on Tuesday, and we did have roughly about a 150 hours of time spent preparing for that.

MAYOR CHAFFEE: There were what 150/200 Secret Service?

CHIEF WISHART: I dealt with about five or six, and I don't know how many Brent dealt with.

CHIEF MILHOAN: There was some you never saw, trust me.

MAYOR CHAFFEE: I believe that. One of the persons in the greet line was actually simulatng a gun and I was like, are you an idiot? Put your hands down. The President wasn't there at the time. It was before. He was telling a story at the time.

Questions for our Fire Chief? (NO RESPONSE FROM COUNCIL.)

Street Commissioner Harrison is not with us. Planning and Zoning Administrator, Mr. Barnhart?

MR. BARNHART: I have no report.

MAYOR CHAFFEE: Questions for Mr. Barnhart? (NO RESPONSE FROM COUNCIL.)

Parks, Buildings and Grounds Superintendent, Mr. Grimm?

MR. GRIMM: I have no report.

MAYOR CHAFFEE: Questions for Mr. Grimm? (NO RESPONSE FROM COUNCIL.)

Recreation Director, Mrs. Gibson?

MRS. GIBSON: I submitted my report.

MAYOR CHAFFEE: Questions for Mrs. Gibson on her report? (NO RESPONSE FROM COUNCIL.)

Clerk Hall, do we have any correspondence this evening?

MRS. HALL: I have no correspondence.

MAYOR CHAFFEE: Public remarks this evening? Mr. Zoldan?

MR. ZOLDAN: Stanley Zoldan, 613 Brunstetter. Is it on?

MAYOR CHAFFEE: It's on.

MR. ZOLDAN: First of all, I think it was nice that Obama came. I really do. Showed a lot of respect. Not the respect that this council showed when you walked in that room and made us wait. If you don't have legislation ready by the time you come out here, then you shouldn't present it. That's one of the biggest problems if you give that legislation to the Solicitor and he don't have time — I'm not cutting you down, Mr. Dutton — and you don't have time to do the job properly when they shove it down your throat. I'm not happy on that one.

Next one, I'm going to ask Mr. Mayor and Mr. London to handle this one for me on this. I have continually asked when they put my line for the grinder pump. It's tore up. The dirt isn't there. Mr. Biggs — and I'm not here to rip you apart. I'm really not. I think you're just worn out. I just really do think you're worn out. The Mayor has tried. He can't do it. You're President of Council. Could you possibly see if I can get the dirt around my

grinder pump? When I do the lawn, I'm going to flip the lawn mower.

Second of all this is very important, we had to have an electrical permit you said we had to have it. We did get one and mine — I don't know about the others now — mine has not been passed. What I'm saying is when they pass it, I think it should be the property of the Village. They should have a letter saying that they did okay it. Because if there's a house fire or something happens and that electric is turned on, this Village could be responsible. I'd greatly appreciate it. The other — I don't know why. I'm a nice guy. I don't know why they won't help me, but I appreciate it if you will.

Now, the next one goes, people, Mary Jane, I want to congratulate you, Page 10, the 50,000, I caught it. I wrote it down in a quick glance. Everybody please turn to Page — if you don't have it, I'll read it for you. Page 24, this one really caught my eye on the legislation. "Due to the emergency nature of the situation " — not that one. I don't care about that one. The one I'm really looking at and here a minute. I had it written down. Let's go to Page 11. I think that might be the one it's on. This one really got me. On Page 11, Section III, "This Ordinance is hereby declared an emergency..." I'm cutting down to the last lines. "... In order to have sufficient account balances for operating expenses." What are you going to do start running out of money, people?

On Page 13, this is the one that really got me, Mr. Mayor. The

Ordinance for Charles Riehl on the McGaffney, Marucci, whatever it is, sorry. We started with \$15,000 for lawyer expenses. We are now going for an additional \$25,000, which brings us up to \$35,000. My question is this here to you, Mr. Mayor, how much difference or how much is Marucci claiming we owe? We don't know, we don't know. What I'm saying is we're now at \$35,000. Nobody up here knows what's going on. Does this mean we're going to extend it past \$35,000? How much do we still owe?

MAYOR CHAFFEE: I believe the —

MR. ZOLDAN: That they're claiming —

MAYOR CHAFFEE: Do you want an answer or not?

MR. ZOLDAN: Yes. That they're claiming.

MAYOR CHAFFEE: The disputed amount —

MR. ZOLDAN: Disputed amount.

MAYOR CHAFFEE: — is somewhere between, I believe, five and \$630,000. Somewhere in that range.

MR. ZOLDAN: No problem.

MAYOR CHAFFEE: We had this discussion before about legal fees.

MR. ZOLDAN: Right. We did have a discussion, Mr. Mayor. It's now we're authorizing up to \$35,000.

MAYOR CHAFFEE: Are you suggesting that we cut them loose?

MR. ZOLDAN: I'm suggesting that if we have to. Number one, and if you ask for my suggestion, we have to. We're going to have to get another engineer — listen to me — turn this over to the bonding

company and let another engineer figure out what the problems are.

MAYOR CHAFFEE: How much do you think that would cost?

MR. ZOLDAN: Let the bonding company handle it.

MAYOR CHAFFEE: I'm just asking. What do you think it would cost to get another engineer? \$10,000? \$50,000? \$75,000?

MR. ZOLDAN: I don't know.

MAYOR CHAFFEE: It's hefty.

MR. ZOLDAN: I'm sure it's hefty. They don't work for nothing. Lawyers don't work for nothing. Believe me they don't work for nothing, neither do engineers. But I'm saying we have a problem, Mr. Mayor, in all sincerity. Nobody knows what's going on up there at that — by the trailer park at that pumping station. What I'm saying is this here. I'm not saying the engineer is wrong; I'm not saying the construction is wrong. I'm saying this here, spend \$25,000, \$30,000. Going to have to do it. Get there. Find what the problem is. You understand me? Then if it's the engineer's problem, turn it over to the bonding company, they pay. If it's the construction problem, turn it to a bonding company, they pay. The problem we have is neither — from what I can see — neither the engineer or the construction people know what the problem is. You're going to have to — I would suggest get an outside engineer. Get a price. Get them in here and say, okay this is the price. We're going to find the problem.

You know, it's like going to the doctor. Sometimes you have to go

to a couple doctors to get the right information.

MR. BIGGS: Six minutes, Mike.

MAYOR CHAFFEE: Let me respond to that. When we go to the bonding company and then the bonding company takes us to court, should we hire another attorney?

MR. ZOLDAN: No, no. The bonding company does not take you to court. I went through this. Let me explain to you something. I'm not wiser than none of you. I want you all to understand that. Unfortunately, when I went through this, when our committee went through it 12 or 13 years ago. We had a construction company, and he would not give us some money back. We had to go to a bonding company. I said go to the bonding company and get it straightened out. Went to the bonding company and, buddy, they got it straightened out. It took them time, but they got it straightened out. I'm no wiser than none of you.

MAYOR CHAFFEE: I'm just saying that we've walked down this road in council —

MR. ZOLDAN: But you're not getting nothing done.

MAYOR CHAFFEE: Maybe we haven't reported it directly to you, but we've had meetings. It's a point of discussion for us. We have thought about what you have thought about. Collectively, we have thought about what you have thought about; and we have to make those decisions as we move forward. I appreciate the idea, but I think the idea would cost us in the neighborhood of \$100,000. I don't know

that some bonding company is just going to say, you know, here is the check. I don't think it's going to be quite that easy.

MR. ZOLDAN: I think you'd be surprised. They would move. Let me explain two things. One, I would never give, never give that engineer a reference until this thing is straightened out; and I've got a funny feeling he is going to get a reference from somebody. That's number one.

Number two, we're paying \$600,000 a year, I believe, on payment on this loan. I think it's \$600,000. Don't hold me — I don't know exactly, Mr. Mayor.

MAYOR CHAFFEE: I agree —

MR. ZOLDAN: I said in January we were three months late getting started, no problem. Extend it three months because we were three months late. What's fair is fair. After that, I said put in — and that's when I think they got a — I believe it's \$600 a day. Don't hold me to that — \$18,000 a month. In ten months almost we're still behind and there's \$180,000 we could have collected. I'll guarantee you that engineer and that construction people if there was a problem, at \$18,000 a month fine, they would have got it straightened out. And all of council — I'm not blaming one person — all of council is wrong for not jumping in. In all fairness, Mr. Mayor, and all respect, I have to tell you this, you got set up. This engineer was smarter —

MAYOR CHAFFEE: Your time is up, Mr. Zoldan. We have given you

ten minutes.

MR. SULLIVAN: I'd like to say one thing. The solution that he is talking about most of what he is talking about is substation one. It's got nothing to do with the Marucci & Gaffney dispute. That \$500,000, if we let go of the attorney with Marucci & Gaffney, we still got the \$550,000 dispute out there. You don't have pump station one fixed. So, it would be ludicrous to let go of the attorney that's representing us for the half a million or whatever because of a problem over here. We need to address both problems. And believe me every one of us wants to see a whole bunch of stuff running through substation one. But to try to put the two of them together, it don't work. We have to fight and win the Marucci & Gaffney dispute. We have to get the substation running. They're two completely different situations. Thank you, Mayor.

MAYOR CHAFFEE: Anybody else wishing to make public remarks at this time?

MR. MARUCCI: My name is Tim Marucci. I'm not a resident of the Village of Lordstown.

MAYOR CHAFFEE: We still need your name and address.

MR. MARUCCI: Tim Marucci, Poland, Ohio. I take exception to a couple statements that Mr. Biggs made concerning the punch list. We finished the punch list — I'm not sure of the date — two or three weeks ago. And I think I sent everyone on the Board notice that we were completed with the punch list and requested a final

inspection. To date, we have not received a date of final inspection, nor have we received any complaints of any further restoration issues on our work. So, I'm just — at this time, I'm requesting a final inspection for Contract 1.

Change Order 10 is for the sink holes. You stated it was signed on August 3rd. Well, according to our records, it was August 27 and signed by the Mayor, JFE and my company. And we're in the process of getting the material ready and getting the repair done. So, just to put that in the record. It's only been probably three or four weeks since we had the change order.

Concerning the force main as-builts, we sent those over to JFE sometime in the summer. Reason being, for JFE to make placement to make the adjustment to where to install the air release valves so that they're in the right position to do the most benefit for the force main. So he has all of our plan drawings — digital plan drawings and the elevations of the force main.

Concerning the pump station, you made a statement that we were responsible for that pump station not working. We had a meeting and we discussed our procedure of how we were going to flush that force main. We flushed the force main. I don't see how you can put any blame on an indirect contractor for that pump station not working. If anybody has any questions, I'll be glad to answer them.

MRS. WILSON: I do.

MR. MARUCCI: Yes, ma'am.

MRS. WILSON: I can't attend the meetings. I'm not allowed.

MR. MARUCCI: Why?

MRS. WILSON: Because everybody disappears when I walk in. Some do. Let's put it that way. But anyway it's hard for me to ask questions. So, while I have you here, I'll ask you a question. They say that a line on part of the force main that the pipe is not joined together and it's causing big problems, dirt to get in the line. They can't pump it through, whatever. I'm asking you that question. Why isn't that force main working?

MR. MARUCCI: The only requirement in our contract on the force main is to air test the line and pressurize the line to a certain — and I'm not sure how many pounds per square inch — maybe Ken could tell you, but I can't right now. I don't have the specs in front of me. It was brought up a few times to televise the lines. The line you were supposed to televise the line per your contract. It doesn't say anything in our contract about televising a force main. The only test requirement is to pressure test it. If there's any separation in that pipe, it will not hold the required pressure for the required amount of time. We have documentation that the force main has passed the pressure test.

MAYOR CHAFFEE: Was there a time where pipes got buried that were not connected?

MR. MARUCCI: Yes, there was.

MAYOR CHAFFEE: Is there a possibility that is where the dirt

got in the line?

MR. MARUCCI: No — well, it could have, but we flushed it out. We had a meeting here —

MAYOR CHAFFEE: Is it theoretically possible that there are things in there that are not flushed out?

MR. MARUCCI: No. In my opinion, speculation, no.

MAYOR CHAFFEE: Well, we're all speculating here. That's one speculation that maybe there's still something in that line. Maybe something that is heavier and wouldn't have been flushed out.

MR. MARUCCI: I can tell you this. We flushed the line out. We sat in there with Richard Biggs, Jim Farina, Ken Dombroski and two guys from my office, and we agreed on a procedure of how to flush that line. We did it exactly as we were told to do it. We went and got a 40 horse power diesel pump, flushed the line, the water came out clear. We have it all televised. Came out clear. We put dish washing soap in the line, let it sit all night, flushed it out again and it came out clear. We turned your pumps on, filled the line up, we turned your pumps on, we filled the line up with our pump, set our pump on, turned your pump on. Your pump produced the specified gallons per minute — 180 gallons per minute — and it held that flow for 20 minutes, 180 gallons a minute. It's all documented.

MR. SULLIVAN: What happened after the 20 minutes?

MR. MARUCCI: Then it start dipping down.

MR. SULLIVAN: That's what we should accept? Sewers that last 20

minutes?

MR. MARUCCI: Be careful what you say. If it achieved the design flow of 180 gallons a minute for 20 minutes, if there was any restriction, whatsoever, in that line, you would never get that design flow. It would only be — it would stay at 130, and the pressure would build up in my opinion. We did that again so when the flow dropped to 130, we shut your pump off. We started our diesel pump up, got the air out of the line, flushed it again, turned around and did the same thing. In 20 minutes it produced 180 gallons a minute, then it started fading off and it settled at 130.

MAYOR CHAFFEE: Again, the position that the council has taken is — and we're not laying blame on you, we're not blaming JFE —

MR. MARUCCI: Mr. Biggs is.

MAYOR CHAFFEE: — we're not laying blame on JFE, we're not laying blame on CT Consultants, we're not laying blame on A.P. O'Horo. But it's not working the way it's supposed to work. It's got to be somebody's fault, and everybody we talk to says it's not their fault.

MR. MARUCCI: Don't forget JFE.

MAYOR CHAFFEE: I said JFE. I said four entities: CT, JFE, Marucci & Gaffney, and A.P. O'Horo, all four involved in this. Everybody says they have done everything they're supposed to do. We have a line that doesn't meet the standards that it was designed to do. So, I'm not saying it's your fault. I'm not saying it's CT's fault. I'm not saying it's JFE's fault. I'm not saying it's A.P.

O'Horo's fault. But it's somebody's fault. Either it wasn't designed right, wasn't built right, or wasn't inspected right, or there's something wrong with the pumps. Those are your choices — or there's something in the line — those are your choices.

MR. MARUCCI: I agree.

MAYOR CHAFFEE: And all we're trying to do is say, we're done. We're done paying for this. Somebody's got to fix this. We're not putting you on notice — not everybody else. We're putting everybody on notice. This is where we're going from here.

MR. MARUCCI: The reason I'm up here is because Mr. Biggs put the blame on Marucci & Gaffney for Pump Station 1 not working properly.

MRS. WILSON: I have another question.

MR. MARUCCI: Yes.

MRS. WILSON: The original contract called for a PVC pipe that had 5.97 interior circumference and then you went with a polyethylene that had a 5 point —

MR. MARUCCI: An —

MRS. WILSON: Now wait. A 5.7 inside circumference and a different type of plastic and instead of open cutting and laying the sewers in there, it was force board and it was told to me that you recommended that to save cost.

MR. MARUCCI: We suggested that to JFE for saving \$21,470. In lieu of open cutting and putting six inch HPVC pipe, we gave them a method of putting — installing a directional drill, six inch HDPE which

has an interior diameter of 5.6 inches or 5.7 inches which JFE accepted our procedure and our material.

MR. SULLIVAN: But you don't see that as a problem? Let me ask you, would the size of that diameter —

MR. MARUCCI: I don't know. I'm not the design engineer for the pump station. I gave the scenario to the engineer. If you want to save \$21,000, let me directional drill and put this six inch HDPE pipe in which is a little thicker than the PVC pipe. You lose a little bit on the diameter from 5.9 to 5.7. You lose a quarter inch.

MAYOR CHAFFEE: Obviously, you wouldn't have suggested that if you thought it wouldn't work.

MR. MARUCCI: It will hold 180 gallons —

MAYOR CHAFFEE: Okay —

MR. MARUCCI: Maybe not with a three-and-a-half horse power pump. I'm not an engineer.

MAYOR CHAFFEE: None of us are engineers, but I have to believe — you're a man of integrity. You wouldn't suggest something that wouldn't work. That doesn't make any sense. Nobody would operate that way. Nobody would say, let's do this. It won't work. You see the quandary we're in? Everybody has an "it will work" but it's not working.

MR. MARUCCI: I'm getting a lot of attention from it because of our dispute with the gravity sewer.

MAYOR CHAFFEE: That's a separate issue — in my mind, that's

a separate issue. And I believe Councilman Sullivan stated that very clearly that it's a separate issue.

MR. HILL: One question we had is when this was changed and you made the proposal to JFE, they were not the one who designed the system. Did they go back to the design firm and the design firm said no?

MR. MARUCCI: He should have.

MR. HILL: I agree. But he did not go back to the design firm to say, will this work? Did not go back to the pump — the pump station people and say, is this going to work? It's a little smaller.

We have a question as to who is responsible. It is not anybody's responsibility up here. I guess I have a couple issues. I think there's been a couple meetings where there's only been one councilman there and the rest of the Utilities Committee I think they were meeting on August 28, a Friday night. I was down in Cincinnati. I got a phone call saying, did you know there was a Utility meeting here without everybody here? I know Mr. Bond wasn't there. I know Mr. Sullivan wasn't there.

MR. SULLIVAN: It wasn't a Utility meeting that day.

MR. HILL: There was some sort of meeting there. I don't know what that meeting it was. We never heard any report of anything coming out of the meeting. I believe you were here. I believe JFE was here. I believe CT was represented, and we never got any reports

out of that meeting. I was going to ask that of Mr. Biggs during Public Utilities Committee because most of council was unaware of what was going on except bits and pieces. I guess that is why you're getting questions.

MR. MARUCCI: Glad to answer any questions.

MAYOR CHAFFEE: Thank you, Mr. Marucci. More public remarks? Mr. Dray?

MR. DRAY: I'll take it up after the meeting.

MAYOR CHAFFEE: Okay. Ms. Schrader?

MS. SCHRADER: Donna Schrader, Highland Avenue. What you get from me, is me. When there's a problem, I bring it to you and I want to discuss it and things like that. But tonight, thank you, Mr. Marucci. Thank you, Mr. Mayor. I was sitting back there during the whole discussion watching all of your faces. You're all interested. You all were together. You're all trying to get to the bottom of this; and we, as the residents, I could see this tonight. I think this was wonderful. Thank you very much.

MAYOR CHAFFEE: Thank you. Any other public remarks? (NO RESPONSE.) Council remarks?

MR. SULLIVAN: Yes, Mr. Mayor. I'd just like to make one further comment on the sewers. Mr. Marucci said that he has heard no more on the restoration. The last council meeting, which was two week ago, we had four residents — three of which were under your contracts and one under Fabrizi — saying they didn't have enough dirt and

several different problems. I don't know if those have been given to you; but as far as this council is concerned, it's not been done. The residents have come and spoke openly on the record. I can show you right here in the minutes where they're saying, you're telling us it's done and it's not. I think Rick has even gone and looked at their properties to see what wasn't done. I just felt that needed to be cleared up.

MAYOR CHAFFEE: Other council remarks?

MR. BIGGS: Yes, Mike.

MRS. WILSON: I have —

MAYOR CHAFFEE: Go ahead, Mrs. Wilson, and then, Mr. Biggs, you're up next.

MRS. WILSON: I only have one. This past week or two we lost two very, very wonderful ladies in this Village. Stella Romain, who passed away — and I have known her for years and years. And Phyllis Cross, who was very community-minded. Her husband was a former councilman. She passed away surprisingly Sunday — yesterday. And I think this Village owes both of them a lot. They were villagers for a long, long time and contributed to the community. Thank you.

MAYOR CHAFFEE: Thank you. Mr. Biggs?

MR. BIGGS: One reply to Tim. With regards to me saying he is the problem for that situation over there on Contract 1, that is not true. In fact, in the last meeting we sat in, I actually agreed with your side about the idea of that pipe. So, it's not that I'm

condemning you or coming after you. I'm just saying between you, CT Consultants, JFE, and A.P. it doesn't work. Just like Mike said. The Village is tired of spending extra money — our own money — to get this up and running, and we're not going to do it. I'm going to suggest that we go to all your bonding agents and say, we have a product here that's not working. Let's take care of it.

MAYOR CHAFFEE: Other council remarks? (NO RESPONSE FROM COUNCIL.)

Committee reports, Finance Committee, Mr. Hill?

MR. HILL: We have five pieces of legislation. Would like to see them passed emergency.

Also, everybody talked about the Apple Cider Festival. I had a death in the family. My brother-in-law passed away in South Carolina. I wanted to be here, but that was untimely. That's it.

MAYOR CHAFFEE: On behalf of council, we are sorry for your loss. We did hear that you were out of town for that reason.

Questions for Mr. Hill or his committee? (NO RESPONSE FROM COUNCIL.)

Parks, Buildings, Grounds, Mr. Sullivan?

MR. SULLIVAN: We had a beautiful report from our Parks Director; and, as most of you know, the pool was two weeks late coming. They had a problem with the pool. They had it drained and then filled it back up and the water was cold. It took like a week to get it back up. Marty's going to have discussions with Mark McGrail about what to do there. And her solution would be great. She said let's

get two more weeks in November. Right now under our agreement, we stop November 1st. November is one of the most expensive months. So, if we can get November, we will be doing a good job. If not then we'll just make the current payment two weeks less. But I hope to get that. And the numbers for the pool are good. It's been our most active recreation of anything we have going. We have the walking going again and that's being well attended. In four sessions we've had 65 people. That's all I have, Mr. Mayor.

MAYOR CHAFFEE: Thank you. Questions for Mr. Sullivan or his committee? (NO RESPONSE FROM COUNCIL.)

Public Safety and Welfare, Mr. London?

MR. LONDON: Thank you, Mr. Mayor. We have three pieces of legislation on the agenda this evening. I would like to have all those passed as emergency. I believe the other items we discussed in caucus. So, if anybody has any other questions on those items? (NO RESPONSE FROM COUNCIL.)

MAYOR CHAFFEE: Questions for Mr. London or his committee? (NO RESPONSE FROM COUNCIL.)

MR. SULLIVAN: Brent, what did you think about — was that one of the best attended festivals?

CHIEF MILHOAN: Yes.

MR. SULLIVAN: I couldn't believe the number of people on Saturday night.

MAYOR CHAFFEE: Streets and Sidewalks, Mr. Bond?

MR. BOND: Yes, Mr. Mayor, just the one piece of legislation about 32nd Street we'd like to see go second reading.

MAYOR CHAFFEE: Thank you. Questions for Mr. Bond or his committee? (NO RESPONSE FROM COUNCIL.)

Public Utilities, Mr. Biggs?

MR. BIGGS: No report.

MAYOR CHAFFEE: Questions for Mr. Biggs?

MR. HILL: I got one, Rick. Was there a meeting here the 28th of August?

MR. BIGGS: According to my notes here — and I'd have to check to see if that was scheduled as a separate meeting or not — but, according to my notes, it was a meeting with CT Consultants, JFE, Marucci & Gaffney, and, I believe, Mr. Bond was here. I believe that was the meeting that everyone talked about.

MR. BOND: That was September.

MR. BIGGS: I'll have to check and see if that was advertised — but yeah, I met with them.

MR. HILL: Anything come out of that?

MR. BIGGS: No. We just discussed what we needed to do to get the east side sewers —

MR. HILL: Okay.

MAYOR CHAFFEE: Transportation, Senior Services, Mrs. Wilson?

MRS. WILSON: First of all, I would like to say how appreciative I am of the thank you. Sometimes you don't know how many hours we

put in. I put it at about six cents a headache. Believe me, we've had a lot of them here of late. So thank you very much. Other than that, I'll condense it. No report.

MAYOR CHAFFEE: Thank you. Questions for Mrs. Wilson or her committee? (NO RESPONSE FROM COUNCIL.)

Clerk Hall, would you read the first piece of legislation?

MRS. HALL: From Streets and Sidewalks Committee For Emergency Passage, AN ORDINANCE ACCEPTING 32ND STREET AS A PUBLIC STREET WITHIN THE VILLAGE OF LORDSTOWN FOR PUBLIC USE AND MAINTENANCE, RENAMING 32ND STREET TO TRINITY WAY.

MAYOR CHAFFEE: Motions or discussions on this piece of legislation? (NO RESPONSE FROM COUNCIL.) Hearing none, I declare it's had its second reading. Clerk Hall.

MRS. HALL: From Finance Committee For Emergency Passage, AN ORDINANCE AUTHORIZING THE CLERK TO MAKE THE FOLLOWING CHANGES IN THE REVENUE AND APPROPRIATION BUDGET PER AMENDED CERTIFICATE DATED SEPTEMBER 19, 2009 AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MR. HILL: Motion to suspend the rules.

MAYOR CHAFFEE: So moved.

MRS. WILSON: Second.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mrs. Wilson, Clerk Hall, call the roll, please.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules passes 6/0. Is there a motion to adopt?

MR. HILL: So moved.

MR. LONDON: Second.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mr. London.

Discussion?

MRS. WILSON: As corrected.

MAYOR CHAFFEE: As corrected. Clerk Hall, would you call the roll, please.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt passes 6/0; becomes Ordinance 88-2009.

MRS. HALL: From Finance Committee For Emergency Passage, AN ORDINANCE AUTHORIZING THE CLERK TO MAKE NECESSARY TRANSFERS WITHIN THE FOLLOWING FUNDS OF THE VILLAGE OF LORDSTOWN AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MR. BIGGS: Motion to suspend the rules for emergency consideration.

MRS. WILSON: Second.

MAYOR CHAFFEE: Moved by Mr. Biggs; second by Mrs. Wilson to suspend the rules for emergency consideration. Clerk Hall, would you call the roll, please.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules for emergency consideration passes 6/0. Is there a motion to adopt?

MR. LONDON: So moved.

MR. HILL: Second.

MAYOR CHAFFEE: Moved by Mr. London; second by Mr. Hill. Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, if you'd call a roll, please.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt passes 6/0; becomes Ordinance 89-2009.

MRS. HALL: From Finance Committee For Emergency Passage, AN ORDINANCE AUTHORIZING THE CLERK TO TRANSFER THE SUM OF \$140,000.00 FROM THE GENERAL FUND INTO THE M&R FUND AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MR. BIGGS: Motion to suspend the rules for emergency consideration.

MR. BOND: Second.

MAYOR CHAFFEE: Moved by Mr. Biggs; second by Mr. Bond. Clerk Hall, call if you'd call the roll, please.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Clerk Hall, can I say you have a nice rhythm when you do roll call. We don't get that from Deputy Clerk Blank. Appreciate that. Is there is motion to adopt?

MR. SULLIVAN: So moved.

MR. BOND: Second.

MAYOR CHAFFEE: Moved by Mr. Sullivan; second by Mr. Bond. Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, would you call a roll, please.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt pass 6/0; becomes Ordinance 90-2009.

MRS. HALL: From Finance Committee For Emergency Passage, AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 61-2009 AUTHORIZING THE VILLAGE OF LORDSTOWN TO ENGAGE CHARLES T. RIEHL, ESQ., OF WALTER AND HAVERFIELD, LLP, CLEVELAND, OHIO, TO REVIEW THE CLAIM OF MARUCCI AND GAFFNEY EXCAVATING COMPANY AND TO ADVISE THE VILLAGE OF LORDSTOWN IN CONNECTION WITH THE EAST SIDE SANITARY SEWER PROJECT AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MR. LONDON: Motion to suspend the rules for emergency consideration.

MAYOR CHAFFEE: So moved.

MR. HILL: Second.

MAYOR CHAFFEE: Second by Mr. Hill. Clerk Hall, would you call the roll.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules passes 6/0. Is there a motion to adopt?

MR. HILL: So moved.

MR. LONDON: Second.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mr. London.

Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, would you call the roll, please.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt passes 6/0; becomes Ordinance 91-2009.

MRS. HALL: From Safety Committee For Emergency Passage, AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS PROPERTY, TO WIT: ONE 1970 JEEP, MODEL CJ5 WHICH IS NO LONGER NEEDED FOR VILLAGE PURPOSES TO BRIAN MARTIN, AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MRS. WILSON: Motion to suspend the rules.

MAYOR CHAFFEE: So moved.

MR. LONDON: Second.

MAYOR CHAFFEE: Second by Mr. London. Clerk Hall, would you call the roll, please.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules passes 6/0. Is there a motion to adopt?

MRS. WILSON: So moved.

MAYOR CHAFFEE: Moved by Mrs. Wilson.

MR. BIGGS: Second.

MAYOR CHAFFEE: Second by Mr. Biggs. Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, would you call a roll, please.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt passes 6/0; becomes Ordinance 92-2009.

MRS. HALL: From Safety Committee For Emergency Passage, AN ORDINANCE DECLARING THAT THE RESIDENCE PROPERTY SITUATED AT 4734 TOD AVENUE WITHIN THE VILLAGE OF LORDSTOWN IS A NUISANCE AND AUTHORIZING THE PLANNING AND ZONING ADMINISTRATOR TO ABATE SUCH A NUISANCE PURSUANT TO SECTION 1351.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LORDSTOWN AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MR. LONDON: Motion to suspend the rules for emergency consideration.

MR. SULLIVAN: Second.

MAYOR CHAFFEE: Moved by Mr. London; second by Mr. Sullivan. Clerk Hall, would you call a roll, please.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules passes 6/0. Is there a motion to adopt?

MR. SULLIVAN: So moved.

MRS. WILSON: Second.

MAYOR CHAFFEE: Moved by Mr. Sullivan; second by Mrs. Wilson. Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, would you call the roll, please.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt passes 6/0; becomes Ordinance 93-2009. I would like to add to it that by previous consensus of Village Council, this notification will be delivered personally by Mr. Barnhart with the assistance of the police. Clerk Hall.

MRS. HALL: From Finance Committee For Emergency Passage, AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO AN AGREEMENT WITH CT CONSULTANTS, INC. TO PROVIDE ENGINEERING SERVICES FOR PREPARATION OF AN APPLICATION FOR A SECOND SUPPLEMENTAL LOAN IN CONNECTION WITH THE EAST SIDE SANITARY SEWER DISTRICT FOR THE VILLAGE OF LORDSTOWN AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MR. HILL: Motion to suspend the rules.

MAYOR CHAFFEE: So moved.

MRS. WILSON: Second.

MAYOR CHAFFEE: I have Mrs. Wilson. She got in under the wire there. So moved by Mr. Hill; second by Mrs. Wilson. Clerk Hall, would you call a roll on that.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Sullivan?

MRS. SULLIVAN: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules passes 6/0. Is there a motion to adopt?

MR. LONDON: So moved.

MR. HILL: Second.

MAYOR CHAFFEE: Moved by Mr. London; second by Mr. Hill.

Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, would you call a roll, please.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt passes 6/0; becomes Ordinance 94-2009.

MRS. HALL: From Council as a Whole For Emergency Passage, AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 131-2008 (THE "MASTER BENEFITS ORDINANCE") ESTABLISHING THE EMPLOYMENT PROVISIONS AND FRINGE BENEFITS FOR ALL EMPLOYEES OF THE VILLAGE OF LORDSTOWN EXCEPT FOR THE HOURLY EMPLOYEES IN THE POLICE AND FIRE DEPARTMENTS EFFECTIVE RETROACTIVELY TO JANUARY 1, 2009, AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions or discussions on this piece of legislation? (NO RESPONSE FROM COUNCIL.) Hearing none, I declare it has had its first reading.

MRS. HALL: From Board of Public Affairs For Emergency Passage, AN ORDINANCE RATIFYING THE AMENDED AND RESTATED RESOLUTION NO. 84-2009 OF THE BOARD OF PUBLIC AFFAIRS ESTABLISHING THE AUTHORIZED STRENGTH, THE HOURLY WAGES, AND OTHER TERMS OF REMUNERATION FOR THE EMPLOYEES WITHIN THE BOARD OF PUBLIC AFFAIRS PURSUANT TO OHIO REVISED CODE SECTION 731.13 AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions or discussions on this piece of legislation? (NO RESPONSE FROM COUNCIL.) Hearing none, I declare it's had its first reading.

MRS. HALL: From Safety Committee For Emergency Passage, AN ORDINANCE DECLARING THAT THE RESIDENCE PROPERTY SITUATED AT 6278 TOD AVENUE WITHIN THE VILLAGE OF LORDSTOWN IS A NUISANCE AND AUTHORIZING THE PLANNING AND ZONING ADMINISTRATOR TO ABATE SUCH NUISANCE PURSUANT TO SECTION 1351.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LORDSTOWN AND DECLARING AN EMERGENCY.

MAYOR CHAFFEE: Motions on this piece of legislation?

MR. HILL: Motion to suspend the rules.

MRS. WILSON: Second.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mrs. Wilson to suspend the rules for emergency consideration. Clerk Hall, would you call the roll.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to suspend the rules passes 6/0. Is there a motion to adopt?

MR. LONDON: So moved.

MR. SULLIVAN: Second.

MAYOR CHAFFEE: Moved by Mr. London; second by Mr. Sullivan. Discussion? (NO RESPONSE FROM COUNCIL.) Clerk Hall, would you call a roll, please.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: Motion to adopt passes 6/0; becomes Ordinance 95-2009.

Any items council wishes to bring up under old business?

MR. BOND: Yes, Mr. Barnhart. Does it look like we're going to have the web site ready to go with the agenda for the next meeting?

MR. BARNHART: It does.

MR. BOND: Okay, good. Thank you.

MAYOR CHAFFEE: Anything else under old business? (NO RESPONSE FROM COUNCIL.)

Under new business, I'll entertain a motion to appoint the following as a substitute aide in the basket room: Luella Palo.

MR. HILL: So moved.

MRS. WILSON: Second.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mrs. Wilson. Any discussion? (NO RESPONSE FROM COUNCIL.) All in favor?

COUNCIL: Aye.

MAYOR CHAFFEE: Opposed? (NO RESPONSE FROM COUNCIL.) (VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

I'll entertain any other motions under new business?

MR. SULLIVAN: Yes, Mr. Mayor. I'd like to make a motion to direct Mr. Barnhart to go to Eastgate and submit the down-sized sidewalk proposal.

MAYOR CHAFFEE: So moved. Is there a second?

MR. LONDON: Second.

MAYOR CHAFFEE: Moved Mr. Sullivan; second by Mr. London. Discussion?

MR. HILL: Yes. I will support this if we use the money from

First Energy to help off-set due to the fact that we still don't know where our finances are going to be.

MAYOR CHAFFEE: Other discussion? (NO RESPONSE FROM COUNCIL.)

All in favor?

COUNCIL: Aye.

MAYOR CHAFFEE: Opposed? (NO RESPONSE FROM COUNCIL.)(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MR. BARNHART: I have a question. Does council need to direct the Clerk to get me the document I may need saying we have the \$60,000 local share? They don't have that document and they may ask —

MAYOR CHAFFEE: We didn't direct the Clerk to do that, so we'll ask the Clerk. I don't think we need council to direct that.

MR. BARNHART: I think you do. She thinks you do. She doesn't know if she can do that for me.

MRS. HALL: No. If council is going forward with the plan, do I need to give you that statement prior to your meeting?

MR. BARNHART: Possibly. I'm not sure. In case they want that because it's changed quite a bit. What do you need from council to give me for you to give me —

MR. HILL: I believe the concern the Clerk has is she wants to know that council is going to support — she doesn't want to say that we don't have the funds because this is coming out of council emergency funds. She can't just snap your fingers and say — she wants to know if council is going to support her if you do make that

statement; am I correct?

MRS. WILSON: She has to certify.

MAYOR CHAFFEE: Do you need council to —

MRS. HALL: I would like for this topic — yes. To make a motion

—

MAYOR CHAFFEE: I'll entertain a motion to authorize the Clerk to follow through with Mr. Barnhart.

MRS. WILSON: So moved.

MR. SULLIVAN: Second.

MR. BARNHART: Provide the necessary documentation.

MAYOR CHAFFEE: Provide the necessary documentation. Moved by Mrs. Wilson; second by Mr. Sullivan. Discussion? (NO RESPONSE FROM COUNCIL.) All in favor?

COUNCIL: Aye.

MAYOR CHAFFEE: Opposed? (NO RESPONSE FROM COUNCIL.) Hearing none, I believe both were 6/0.

Other Items under new business?

MR. LONDON: Yes. I would like to —

MRS. WILSON: Yes.

MAYOR CHAFFEE: He's quick.

MRS. WILSON: I can't get ahead of him. He's loud.

MAYOR CHAFFEE: He's quick and loud. (Laughter.)

MR. LONDON: I would like to set a date for Halloween, Saturday, October 31st.

MR. HILL: I'll second that.

MAYOR CHAFFEE: What time do we normally go?

MRS. WILSON: 5 to 7.

MAYOR CHAFFEE: 5 to 7.

MRS. WILSON: On what day?

MAYOR CHAFFEE: Saturday the 31st on Halloween.

MRS. WILSON: That sort of boggles up the whole weekend. Why not Friday night?

MR. LONDON: Council in the past has always set Halloween on Halloween night. I believe that is the way it should be.

MR. SULLIVAN: I believe we should do it on the same day as Warren. I understand you people that get two trick-or-treaters but those who get buses in from Warren, I think we should have it on the same night so that we don't have buses coming from Warren.

MAYOR CHAFFEE: I think we have a motion on October 31st. Is there a second on October 31st?

MR. HILL: Yes.

MAYOR CHAFFEE: Moved and seconded. Any other discussion? (NO RESPONSE FROM COUNCIL.) All those in favor?

MR. HILL: Aye.

MR. LONDON: Aye.

MRS. WILSON: Aye.

MR. BOND: Aye.

MR. BIGGS: Aye.

MAYOR CHAFFEE: Opposed?

MR. SULLIVAN: No.

MAYOR CHAFFEE: I believe it was five, yes and one, no.

MR. SULLIVAN: It may be all right, but I don't know when the date that Warren is having theirs. It's truly unfair to residents who live in the developments.

MR. HILL: That's why I moved. (Laughter.)

MRS. WILSON: Can't we just wait until the next meeting until we find out?

MAYOR CHAFFEE: I believe we voted, so unless somebody wants to recall that vote, I believe we had a motion to second and we voted.

MR. HILL: I was the first house in that allotment; and believe me, I've watched them drop them off by the van loads. Van loads from everywhere not just Warren, any community which didn't have the same night.

MAYOR CHAFFEE: Here we go. We use our senior van, and we bus anybody out that wants to go to any other Halloween (Laughter.)

MR. BIGGS: I'll second that.

MAYOR CHAFFEE: We get miles on the van and we get extra candy for the residents.

MR. LONDON: And we'll waive the \$5 charge.

MAYOR CHAFFEE: I didn't think you had that in you.

MR. HILL: He's not running.

MAYOR CHAFFEE: That's true. Mr. Generous now. (Laughter.)

Other things under new business?

MR. HILL: I believe Mr. Biggs wants an executive session, but I know I'd like to have the Solicitor in on mine, so if I go first, Rick, is that okay?

MR. BIGGS: Yes, because I want him, too.

MR. SULLIVAN: Everybody wants you, Paul.

MAYOR CHAFFEE: We're having executive session for pending litigation —

MR. HILL: Pending litigation, threatened litigation.

MAYOR CHAFFEE: Moved by Mr. Hill; second by Mr. Biggs, including Council, Solicitor —

MR. SULLIVAN: Engineer?

MR. BIGGS: Arno's call. Who do you want?

MR. HILL: I'd like to have Ken there.

MR. BOND: Any business after that?

MR. HILL: There may be business after. It all depends on how it goes. So, if we can have it before council remarks.

MAYOR CHAFFEE: Before additional public remarks?

MR. HILL: Yes.

MAYOR CHAFFEE: So you want to go into executive session now on pending litigation. It's been moved; it's been seconded. Clerk Hall, take a roll, please.

MRS. HALL: Mr. Biggs?

MR. BIGGS: Yes.

MRS. HALL: Mr. Bond?

MR. BOND: Yes.

MRS. HALL: Mr. London?

MR. LONDON: Yes.

MRS. HALL: Mr. Sullivan?

MR. SULLIVAN: Yes.

MRS. HALL: Mr. Hill?

MR. HILL: Yes.

MRS. HALL: Mrs. Wilson?

MRS. WILSON: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR CHAFFEE: We are adjourned to executive session.

MRS. HALL: May I be excused, Mayor?

MAYOR CHAFFEE: You may if that's okay with everybody. There may be business afterwards, but we'll take the notes. How's that?

MRS. HALL: That's good.

(COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 9:23 P.M. AND RESUMED AT 10:22 P.M.)

MAYOR CHAFFEE: We are at additional public remarks. Anybody wishing to make additional public remarks?

MR. HILL: I do. I'll be brief. After discussing several issues with the east side sewer, a comment I'm going to make is I will be holding off for two weeks to see if we can get some resolve to this. That's all I have to say.

MAYOR CHAFFEE: Thank you. Any other additional public remarks?

(NO RESPONSE.)

I'll entertain a motion to adjourn.

MR. HILL: So moved.

MR. BOND: Second.

MAYOR CHAFFEE: Any objection? (NO RESPONSE FROM COUNCIL.)

Hearing none, I declare we are adjourned.

(WHEREAS, THE REGULAR MEETING BEFORE THE VILLAGE OF LORDSTOWN COUNCIL
ADJOURNED AT 10:25 P.M.)

State of Ohio)
)
County of Trumbull)

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify that the foregoing meeting before the Lordstown Village Council was written in the presence of witnesses and by me transcribed. I further certify that the foregoing is a true and accurate transcript to the best of my abilities.

Sharon K. Vigorito, Notary Public
My commission expires May 9, 2012