

Regular Council Meeting
February 23rd, 2011

The meeting of the February 23rd, 2011 Regular Council Meeting was called to order with the Pledge of Allegiance by Mayor Robert C. Bickley.

Roll call: present- Dickman, Fox, Jenkins, Kovesdi, Maloney, and Wolf. Also present- Administrator Bruce Bowie, Fiscal Officer Mary Bruno and Solicitor Vickie Ruffing.

Motion by Fox, seconded by Kovesdi to approve the Minutes of the February 9th, 2011 Council Meeting. Vote-all yeas, motion carried.

Motion by Fox, seconded by Jenkins to approve the Council Bills for February 23rd, 2011 in the amount of \$ 7,885.23. Vote-all yeas, motion carried.

Motion by Dickman, seconded by Fox to approve the Utility Bills for February 23rd, 2011 in the amount of \$ 17,226.33. Vote-all yeas, motion carried.

Citizens Participation

Darrell Maines told the audience questions were given to Council prior to tonight's meeting. The questions were discussed with residents at the meetings at town hall and put together for answers from Council.

The first question was: What is the Financial status of the Village as a whole? The Fiscal Officer stated, with the exception of the electric fund, the Village is in good shape. She reminded the crowd that due to the income tax increase last year the general fund is in rebuild mode, but overall doing well, also. She said the Village is down approximately \$500,000.00 as a whole over the last 11 years.

The second question: How often do the Utilities, Street, Finance and other Committees meet? The Administrator stated there are general work sessions. Kovesdi said the Finance Committee meets at least once a month and Bruno stated she holds her meetings separate of other committee meetings and their discussions are reported to Council. Maines said the reason this question was asked was because Dickman stated at the Utility Meeting the prior week there had not been a utility meeting scheduled for at least 7 years.

The third question: It Has been said that this whole situation has been caused by error in Calculating the numbers that are used for the PSC Calculation. Why Hasn't more pressure been out on the insurance Company that is Supplying the Errors and Omission policy on the Claim? The Solicitor said a claim has been filed on behalf of the Village of Milan. It is been considered, it has been submitted and the Village will be hearing something soon. The claim was filed yesterday, as the Village did not accept the explanation given.

The fourth question: The Electric Customers that live in the township are paying a premium Of approximately \$.02 per kWh above the village residents, What can Be done to bring our rates to a more competitive. Cost? Maloney said he cannot tell the residents why the rates are higher, and the Mayor said traditionally, throughout the state there is a 10% surcharge. It was discussed if the Village must do it that way,

The fifth question: How long are we in Contract with AMP Ohio and what are the Terms Of the Contract? The Administrator said we have different programs with AMP. There are different long terms and Council was unable to answer the question accurately. The Village will try to get John Courtney in to explain. Lee Jennings asked if these contracts were a matter of public record and asked if they could be supplied for viewing.

The sixth question was: Does the Village need to be in the Electric Business? The Mayor said the electric business is home rule. There were questions on why rates varied so much and was told it was the cost of the electricity the Village purchases. Some also stated the Village was not competitive even when residents were unbilled.

The seventh question was: Are there any other Expenditures that can be eliminated to bring down The PSC Calculation? Residents were told a reduction of the appropriations would make a difference. Jennings asked if less spending would help and was told the departments are constantly keeping costs down.

The eighth question: What are the Options for those customers that are struggling or unable To pay their Electric bill? The residents were told those who need help will still need to pay. Council said the rates should be going down. The residents said they received their electric bill and everything happened so quickly from there. The rates are driving renters out. The Administrator said there are guidelines, along with ordinances that must be followed. He said the Village is going way far and above anything Ohio Edison would be doing to help. He said the other goal is to collect the funds do to the Village. He then read a draft of the Utility Collection and Shutoff Guidelines Village of Milan.

Maines asked the crowd to please refrain from shouting out. He then asked Council to please answer the questions being asked and not having Ms. Bruno and Bowie do all the talking. He stated Council is the elected officials of the Village residents and they serve at the pleasure of the residents. Maines said the public is there to understand how Council feels about this, and they are not getting that. He said the feeling they all are getting is that Council does not care. Wolf took offense at that comment. She said there have been many meetings, many financial meetings covering this problem.

Wolf, at this point asked the residents to treat this meeting and the members with respect.

Many residents asked if Council would consider taking away the penalty.

Some residents felt questions were not being answered and members of Council said they had not seen the questions. Council was told the questions were delivered to the Administration Building yesterday.

Linda Burch stated Council has to understand why the public is asking for a 10% penalty waiver since this happened so fast. People need to have this waiver to get back to their budgets.

Residents again asked where the accountability was and asked when Mr. Bowie was aware of the problem. The question was directed at the Fiscal Officer who said she was aware of the first problem in August 2009, and immediately contacted the Mayor, Administrator and the former Council President Jenkins. Cathy Wise asked where the buck stops? Mary Basterash stated the Fiscal Officer had to learn the PPC formula to begin looking for any errors, and this was not her job. Ann Weber asked whose job it was. Bruno was asked what the response was when she told the Mayor, Administrator and then Council President Jenkins about the declining balance and Bruno said "she just kept looking for the problem".

The ninth question was: Can the Electric Bill received by the customer be broken down to show The Calculations that are used to determine cost for that month's bill? The utility department has been in contact with the software company to find what needs to be done to break down the bills.

The tenth question was: If individuals with important responsibility cannot perform his or her Job for the Village because they do not get along or tolerate each other, Should they stay in that position if that situation interferes with Performance of their duties? Fox stated he planned on calling for an Executive Session tonight with an answer to that question when they come out of Executive Session.

Linda Burch said it is a very difficult situation for everyone, Council included. She said it is necessary to not go where Council's passions lie with an individual on Council or an employee of the Village. She went on to say Council needs to not look at anything done outside their position with the Village in dealing with the Village and not working for someone else in the Village or working on projects for someone else in the Village and that you look at that individual and see what their record is within the Village, within their job that they are doing either on Council or as a member of Administration or being employed otherwise by the Village. It is their record here that we are looking at and not someplace else. She said that is all the residents are looking at.

The eleventh question: When all is said and done, Where does the Responsibility fall, who Will be held accountable for this situation, and WHAT are YOU as Mayor and Council prepared to do for the OVERALL GOOD of The Village? The Mayor stated he is prepared to ask the Administrator to take a week off without pay,

and again the crowd was asked to quiet down. Fox said that is Council's recommendation and Council has not approved it. Again, it was stated there would be an Executive Session tonight.

OLD COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers-AMP and John Courtney will attend the meeting at town hall on Thursday, March 3rd, at 7:00 p.m.

Residents asked who from Council was at the last town hall meeting and were told John Fox, Art Dickman and Richard Maloney. Also in attendance at the meeting was Fiscal Officer Mary Bruno.

Safety-None

Finance-None

Regional Planning, Building Codes & Inspection- None

Utilities-None

Civic Contact and Historical Preservation-None

Parks and Trees-None

NEW COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers-Two storm sewer catch basins deteriorated causing safety concern requiring reconstruction.

Safety-Motion by Maloney, seconded by Fox to recommend amending Ordinance 503-05-09 to raise part-time police wages to a starting rate of \$10.50 an hour, with all other stipulations remaining the same, and be on the same raise schedule as all other employees. Vote-all yeas, motion carried. The ordinance will be prepared on three readings.

Finance-Motion by Maloney, seconded by Fox to accept the draft of the Utility Collection and Shutoff Guidelines, and to accept the policy. Vote-all yeas, motion carried.

Motion by Maloney, seconded Fox to approve the following insurance deductions for employees:

Family-\$135.00 per month
Employee with spouse-\$100.00 per month
Employee with child(ren)-\$75.00
Single -\$40.00 per month

The deductible will stay at \$1000/\$3000. The current changes will begin April 1st, 2011.

Motion by Maloney, seconded by Kovesdi to accept the Finance Committees recommendation to amend Resolution number 556-12-10 to reduce \$100,000.00 for the new bucket truck in the appropriations, as well as move \$60,000.00 for the AMPGS into the purchase power line. Motion by Maloney, seconded by Fox to place **A RESOLUTION AUTHORIZING AND DIRECTING THE AMENDMENT OF THE TEMPORARY APPROPRIATIONS RESOLUTION NO. 556-12-10** on its first reading and adopt. Roll call: Jenkins-yes, Kovesdi-yes, Maloney-yes, Wolf-yes, Dickman-yes, Fox-yes. Motion passed, Resolution no. 558-02-11

Motion by Maloney, seconded by Fox to recommend a credit be given in March for the January bill, in accordance with Resolution 558-02-11. Vote-all yeas, motion carried. Motion by Wolf, seconded by Fox to suspend the rules **for AN ORDINANCE PROVIDING FOR A CREDIT FOR AMENDMENT OF PURCHASED POWER COST FOR THE MONTH OF JANUARY, 2011 AND DECLARING AN EMERGENCY**. Roll call: Kovesdi-yes, Maloney-yes, Wolf-yes. Dickman-yes, Fox-yes, Jenkins-yes. Motion by Maloney, seconded by Fox

to adopt as an emergency by title only. Roll call: Maloney-yes, Wolf-yes, Dickman-yes, Fox-yes, Jenkins-yes, Kovesdi-yes. Motion carried, Ordinance no. 547-02-11

Regional Planning, Building Codes & Inspection-None

Utilities- AMP has filed a complaint against Bechtel Power Corporation to reduce costs associated with the cancelled project.

Frontier Communications will place 2 underground fiber optic cables, in the Village.

Pabodie is not current with the Village minutes.

RA Bores is rebuilding a sewer manhole at cost and labor.

Civic Contact and Historical Preservation-None

Parks and Trees- None

UNFINISHED BUSINESS

On February 16, Johns Manville announced the purchase of Tenneco Manufacturing Facility.

Residents have requested e-mails for all Council members and it was suggested all Council members use e-mail addresses through the Village accounts.

Motion by Fox, seconded by Kovesdi to go into Executive Session for the purpose of considering the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official.

Roll call: Wolf-yes, Dickman-yes, Fox-yes, Jenkins-yes, Kovesdi-yes, Maloney-yes, motion carried.

Motion by Fox, seconded by Dickman to return to Regular Session. Roll call: Dickman-yes, Fox-yes, Jenkins-yes, Kovesdi-yes, Maloney-yes, Wolf-yes, motion carried.

Village residents returned to the meeting and the Solicitor addressed them. She stated the residents wanted to know who is accountable and she said everyone is accountable, including Council. Council will, in an attempt to rectify this situation have at a minimum monthly meetings to exercise both their oversight responsibilities and their decision making responsibilities as well. They are going to obtain increased team building training so they understand their responsibility not only to their constituents but to the employees as well and how their role factors into governing abilities. Council would like to announce publically they and they alone are responsible for approving the increase in the appropriations in January that resulted in the higher electric rates in January that is Council's responsibility. The Mayor then said it is his recommendation and a motion by Fox, seconded by Maloney to have the Administrator take a 20% reduction in salary with no raises, and to be reviewed in January 2012. Also, the Administrator must attend additional sensitivity training. The Administrator and Fiscal Officer must participate in mediation training through the Ohio Commission of Dispute Resolution. Roll call: Fox-yes, Jenkins-yes, Kovesdi-yes, Maloney-yes, Wolf-yes, Dickman-yes, motion carried.

Motion by Dickman, seconded by Fox to adjourn. Vote-all yeas, motion carried.

Mayor Robert C. Bickley

Fiscal Officer Mary Bruno