

Regular Session

February 6, 2017

The members of Hubbard City Council met in regular session on Monday, February 6, 2017, in council chambers with President William Williams presiding. Approximately 18 people were in attendance.

Roll call showed the following members in attendance:

B. Kyle    T. O'Hara    L. Baumiller    M. Toda    P. Gilliland    J. Silvidi    J. Crowe

It was moved by Mr. Kyle with a second by Mr. O'Hara to accept the minutes from the January 17, 2017 regular meeting as presented to council. There were no questions or comments on the motion. Motion passed. Vote unanimous.

#### **COMMUNICATIONS-**

We received the income tax comparison 2016/2017 thru January 31st, the Mayor's Court Report for January 2017 showing a total of \$1,907.00 and a letter from Bill Clipse of Meander Homes requesting to resolve some issues pertaining to Holy Hill and the Elmwood Nursing Home (everyone has a copy of that). I updated and had notarized the list from the Ohio Ethics Commission. It was mailed on January 27, 2017. We received a reminder that the deadline for the 2016 financial disclosure statements is Monday, May 15, 2017, also the Tax rate cards from the Trumbull County Treasurer's Office which was placed in everyone's mailbox, Trumbull County Board of Health's agenda for the regular meeting and public hearing on January 25, 2017, their minutes from their regular meeting December 14 and their special meeting December 28, 2016 and The Reconciliation of Bank Statements & Auditor's Books with Actual Cash Balances for month ended January 31, 2017. That is all.

It was moved by Mr. Kyle with a second by Mr. O'Hara to accept the communications and place them in their proper files.

Mr. Williams- Mr. Mayor regarding to what we received from Mr. Clipse, are you guys going to meet with him to discuss this?

Mayor- Yes. I did get a copy of your letter. Mr. Clipse said we had the opportunity or refused to meet with him since 2014. I think the eight people up here know that that statement would not be true.

Mr. Clipse- It's not true?

Mr. Williams- Excuse me please

Mayor- If anyone would have called us up and said they wanted to meet with us in regards this we certainly would have met with them. I don't remember one time Mr. Clipse has been in this building since then and we talked about different things and that stuff was not brought up. Quite honestly, I ask all of you what your opinion would be if someone would have called me and said they wanted to meet on this. That is all I have to say about that. If he wants to meet with us my understanding is that our law director got a letter from his lawyer today, so I guess it is between lawyers now.

Mr. Clipse-Can I respond to that?

Mr. Williams- No sir, not at this time. Okay thank you Mayor. It is in your court I guess Mr. Villano. Alright, any other questions or comments?

There were no questions or comments on the motion. Motion passed. Vote unanimous.

Mr. Williams-At this point if someone would make a motion, we need to go into our joint session with the township trustees. Mr. Kyle I believe you were going to do that.

#### **JOINT SESSION**

A motion by Mr. Kyle with a second by Mr. O'Hara to suspend the regular order of business to enter into a joint session with the Hubbard Township Trustees. There were no questions or comments on the motion. Motion carried. Vote unanimous.

Mr. Williams-Okay if we could show that Hubbard city council and the Hubbard township trustees are now in a joint session to discuss the millage for the Hubbard Union Cemetery. If there are no objections to me chairing this? Does anyone have a problem with that?

Multiple- no

**JOINT SESSION**

Mr. Williams- First off I would like to thank the trustees for coming this evening. This is our yearly meeting. I think maybe we should try getting together a little more often during the year. I know we are all busy with the things we do. I just want to say thank you guys for the way you work with us. I think we have a great relationship between the city and the township and I hope that continues. The purpose of this meeting this evening is to set the millage for the Hubbard Union Cemetery and someone would have to make a motion to do that. Whoever wants to do it?

Mr. Kyle-to run the same?

Mr. Williams- yes .2

It was moved by Mr. Kyle with a second by Mr. O'Hara to set the millage at Hubbard Union Cemetery at .2 mill. There were no questions or comments on the motion. Motion carried. Hanley: yes Jacobs: yes Dowell: yes Vote unanimous.

Mr. Williams- Okay that is that. I guess while we are here in joint session, I don't know if anybody has anything that they want to discuss pertaining to the city and the township.

Mr. Silvdi- I just want to say it was great to work with Mr. Gleydura over the past years. Mr. Jacobs was appointed to the cemetery board with Lisha and I. He has picked up very quickly and I am going to try to work with Mr. Jacobs.

Mr. Williams-I guess I would also like to add to the trustees what a joy it was to serve with Mr. Gleydura. I served with him on the cemetery board for oh I have to say 6 or 8 years. It is hard to find someone much more dedicated than that man was to the township. It is a loss but I know Mr. Dowell will do a wonderful job. He has done it in the past. I wish you guys luck this year and wish us luck to.

It was moved by Mr. Kyle with a second by Mr. O'Hara to end the joint session and return to the regular order of business. There were no questions or comments on the motion. Motion carried. Hanley: yes Jacobs: yes Dowell: yes Vote unanimous.

**REPORTS OF STANDING COMMITTEES**

**FINANCE**- Mr. Kyle- No report this evening Mr. President

**PARK & RECREATION**- Mr. Gilliland- No report Mr. President

**ECONOMIC DEVELOPMENT**-Ms. Baumiller- Just very briefly, I had the privilege of attending the ribbon cutting for Pizza Joe's. We would like to welcome Pizza Joes to Hubbard as our newest establishment and I wish them luck.

**PLANNING & ZONING**- Mr. Toda- No report, I just want to remind the committee that there is a Planning & Zoning Committee meeting on the 21<sup>st</sup>, Tuesday at 5:30 before the regular council meeting.

**UTILITIES**- Mr. Silvdi- Thank you the LED lighting project for the wastewater treatment plant is nearly complete. There is some pole lighting around the clarifier. This is the only part of the project that is still needs completed. The remaining work will be done hopefully in the next few weeks. What happened and why this isn't done is there was some damage done during our phase I project and they need to put some new feedlines in. As a footnote, this projects all photo- eyes were replaced with timers to assure reliability and assure service requirements. Thank you

**STREETS & SIDEWALKS**- Mr. Crowe- Yes Mr. President, the street department is still cold patching. If you have any, or see potholes you can call the service director 534-7755 to get the guys out. It is a good week to do it. Also, we are working on our 2017 Street Resurfacing program. I have scheduled a work shop for 6:00 Monday, February 13<sup>th</sup>. We would like to get this underway sooner so hopefully we can negotiate a better price. That is all I have thank you.

Mr. Williams- that is a committee meeting correct?

Mr. Crowe- Street department committee meeting yes

Mr. Williams- Okay so street committee will be meeting to discuss that. Thank you

**SAFETY**- Mr. O'Hara- Just want to update everybody, the newly purchased ford explorer has arrived. It is currently being decaled and should be on the road soon. That is all.

**REPORTS OF SPECIAL COMMITTEES**

**CEMETERY BOARD-** Ms. Baumiller- Actually, we have no report this evening.

**FIRE DISTRICT-** Mr. O'Hara- Just want to announce that the fire district meeting will be this Wednesday, February 8<sup>th</sup> at 7:00 in the upstairs of the fire station.

**REPORTS OF CITY OFFICIALS**

**SAFETY DIRECTOR-** Lou Carsone – Thank you Mr. President, I have only one item to report. I am happy to report to council that the police department has received provisional certification from the Ohio Collaborative Community Policing Advisory Board for our policies that were mandated for 2016. We were audited just a couple of weeks ago. I have to commend the Chief for doing the bulk of the heavy lifting with this; for reviewing the policies, making sure they were changed when they needed to be changed, made available to the officers and managed the testing and so forth that needed to be done. I am happy to report that we are certified and okay for 2016. This is an ongoing process. We are now releasing 5 new policies a week or so until we have our entire manual released. It is an ongoing thing but we have passed for 2016. That is all I have thank you.

**SERVICE DIRECTOR-** Dan Livingston- Just one thing to report this evening Mr. President, The garage at 129 Jackson Street will be demolished tomorrow morning.

Ms. Baumiller- tomorrow morning?

Mr. Livingston-tomorrow morning

Mayor- Center Street not Jackson

Mr. Livingston- Oh I am sorry, Center Street not Jackson. Sorry about that! Thanks John! The garage goes tomorrow.

Mr. Williams-Yes, somebody wouldn't be too happy. Thank you Mr. Livingston!

**LAW DIRECTOR-** Mr. Villano- No report Mr. President.

**TREASURER-** Ms. Ruha- I have no report this evening Mr. President.

**AUDITOR-** Mr. Villano- Nothing to report this evening Mr. President thank you.

It was moved by Mr. Kyle with a second by Mr. O'Hara to accept the reports of standing committees, special committees and city officials. There were no more questions or comments on the motion. Motion carried. Vote unanimous.

**MAYOR'S REPORT**

Good evening Mr. Williams, members of Council and everyone in the audience. This morning we had a meeting with a representative from Trumbull County, as well as with CT Consultants in regards to the CDBG Community Development Block Grant and the Neighborhood Revitalization Grant I spoke about earlier. We went over several things. We enhanced the target area. The area now is going to be the East Liberty Street north boundary and Main east to the city boundary. On February 22<sup>nd</sup> at 7:00 here in City council Chambers. There is going to be a general public meeting in regards to the program with a little presentation of what the program is and what it entails. We got to understand that the program is designed to assist neighborhoods with low to moderate income. I think I was asked by a couple of you already about what we put on your desk there. That is the sample of the survey that we are #1 going to mail out to everyone in the target area. Dan, did you get that list yet? We got a list coming. Everyone that is in the target area is going to get that survey along with a letter explaining a little bit about the grant. We are also going to include a self-addressed envelope so they can be mailed back to us. They can be dropped off here (if they should decide to) if residents would decide to do that. In case they would be lost in the mail, we are also going to have those available here at city hall. I think the key if you read on that is it is strictly confidential. It is nothing that is going to be passed on to anybody. It is going to be used to strictly find out if the area does qualify for the program. On March 9<sup>th</sup>, at 7:00 here in chambers, we are going to have a target area participation meeting. What we are going to ask for is the public to come in and give us input on what they think should be done in the neighborhood. We have a general idea of what we would like to see but of course it is what the residents want to see that is important. We can pave streets with that. We can replace storm water catch basins, replace sidewalks (which I think probably one of the things the people in the fourth ward would like to see), along with replacing sidewalks (they told us removing trees which are probably the main reason we have to replace the sidewalks because of the roots that would also be part of the grant), replacing water valves or sanitary lines.

**MAYOR'S REPORT**

Another thing which is going to be pretty key anymore is the installation of ADA Compliant Curbs. If we do any paving of the streets when using state or federal monies, we are going to upgrade the curbs. It is the right thing to do and it is also #1 required. The more folks we get to attend those meetings and give us ideas that are going to be a great thing and it also helps out with the survey with the grant. There is also going to be two follow up meetings very similar to that one on March 21<sup>st</sup> and April 8<sup>th</sup>. If you could pass the word, especially Mike and Councilmen at Large 1<sup>st</sup> ward and 4<sup>th</sup> ward, as many people as we can get to come to those meeting is going to be important. As Mr. Crowe was saying, we have a rough draft of the 2017 Street Resurfacing Program. He is going to have a committee meeting to see and make sure everyone is on board with it. We are going to have about \$160,000 in the Street Paving Program. I know you are saying that sounds kind of low. If you consider we also have to spend the \$72,000 on Myron. That takes that program up to about another quarter of a million dollars which is pretty much what we have been doing. You have to keep in mind if we would pave Myron without the grant it was \$164,000. That is just about the complete street program. That is why I think it is kind of important that we are trying to blend all of this work in with getting grants. It really enables us to not only do that long street but it also enables us to do shorter ones that need paved as well. So with that being said that is all I have Mr. President.

It was moved by Mr. Kyle with a second by Mr. O'Hara to accept the Mayor's report.

Ms. Baumiller- Yes, I wrote the dates down John but I didn't catch the times. February 22<sup>nd</sup> what time?

Mayor- that is the 21<sup>st</sup> and the 8<sup>th</sup>

Ms. Baumiller- Oh I am sorry

Mayor- April 8<sup>th</sup> at 7:00

Ms. Baumiller- so it is the 21st at 7:00 pm and March 9<sup>th</sup> that is also at 7:00?

Mayor- March 9<sup>th</sup> at 7:00 that is right

Ms. Baumiller-okay thank you

Mayor-Excuse me, if I could, Mr. Livingston reminded me April 8<sup>th</sup> is a Saturday. We are trying to reach everyone we can so that is at 11:00 am.

Mr. Kyle – April 8<sup>th</sup>

Ms. Baumiller-Basically, these three meetings are going to be the same or should we be at all three?

Mayor- No you don't have to be at all three but we are giving as much information as we can to pass on to Trumbull County and to the state. The more participation we got the better.

Ms. Baumiller- Sure thank you

Mr. Williams- Go ahead Lorrie

Clerk- Should I start over?

Mr. Williams- Start from the beginning

There were no more questions or comments on the motion. Motion carried. Vote unanimous.

**UNFINISHED OR OLD BUSINESS-**

**MISCELLANEOUS BUSINESS**

Mr. Silvidi- Mayor I apologize, I didn't hear the date or the time for the meeting on February 21<sup>st</sup>

Mayor- On February 22<sup>nd</sup> that will be here in council chambers>

Mr. Toda- You just changed your mind. You said the 21<sup>st</sup>

Mayor- Well if I did, it is the 22<sup>nd</sup>

Ms. Baumiller -the 22<sup>nd</sup>

Mayor- well okay

Mr. Silvidi- We have a council meeting that is why I asked.

Mayor- I am sorry on that.

Mr. Silvidi- the 22nd

**PUBLIC ADDRESS ON AGENDA ITEMS-**

Mr. Williams-if there is anyone who wishes to address city council on our one agenda item this evening when recognized please step forward to the microphone and state your name and address for the record. You will have three minutes unless extended by council vote. No one so we will move on

**NEW BUSINESS & REQUESTS FOR LEGISLATION-**

Mr. Williams- No one on this side. Mr. Crowe I believe you are the only one.

It was moved by Mr. Crowe with a second by Mr. Silvidi to have the law director draw up the necessary legislation for a resolution to authorize the City of Hubbard to enter into a consent agreement with the Ohio Department of Transportation for PID NO. 103678, DO4 GRFY2018A. There were no questions or comments. Motion passed. Vote unanimous.

**ORDINANCES & RESOLUTIONS**

Resolution 2-17. First Reading

AUTHORIZING THE BOARD OF CONTROL TO ADVERTISE FOR BIDS FOR THE PURCHASE OF SODIUM HYPOCHLORITE AND SODIUM BISULFITE FOR USE AT THE CITY OF HUBBARD WASTE WATER TREATMENT FACILITY FOR THE 2017 CALENDAR YEAR

It was moved by Mr. Silvidi with a second by Mr. Gilliland to suspend the second and third readings of Resolution 2-17. There were no questions or comments. Motion passed. Vote unanimous.

It was moved by Mr. Silvidi with a second by Mr. Gilliland that Resolution 2-17 be passed as read. There were no questions or comments. Motion passed. Vote unanimous.

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Mr. Williams- If there is anyone who wishes to address city council on non-agenda items related to City Council business when recognized please step forward to the microphone and state your name and address for the record. You will have three minutes unless extended by council vote.

Robert Gaut, 2529 Drummond Ave Ext. -I have been talking to the Mayor and I have been talking to Lisa. I got a petition with 50 signatures on it that something needs to be done with Mt. Everett Rd. sorry Drummond Avenue to Main Street. It has been an ongoing problem with that road for a couple of years. They spot paved it just before they started the overpass. Our understanding was the state was supposed to pave Mt. Everett Rd. all the way out to the Main Street. They have told the Mayor and Ms. Baumiller that they don't have the money. I have a call into Sean O'Brien. I am supposed to get an answer back sometime this week. I feel the state should, in the spring, pave that road. Luckily we haven't had a bad winter or we would have all kinds of big holes in that road this year. I have been down to the Mayor's office the past three years asking to get it cold patched which they have done but it just comes right back up. The Mayor and I think

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Ms.Baumiller both said the base is gone in that road. It needs completely ground up and repaved. I am here to turn in and put the petition on record.

Mr. Williams- Okay, if you would give that to me. Thank you

Mr. Gaut- Do you have the last page?

Clerk- I made you three copies.

Mr. Gaut- I gave you 5 pages and didn't get the last page. Is it in the copier?

Clerk- I will have to check.

Mr. Gaut- Like I said, Sean O'Brien, a guy he works with said he would get back to me this week. Would you like me to report to the Mayor when I hear something?

Mr. Williams- Either the Mayor or the Service Director, if you would please.

Mr. Gaut- I got 50 signatures and we all feel the same way. I know it is a money issue. You can't just print it.

Mr. Williams-right

Mr. Gaut-I am doing the best I can. This is the first time I have ever done this.

Mr. Williams- We appreciate your help!

Mr. Toda- You're doing good.

Mr. Gaut- Okay thank you

Multiple thank yous

Mr. Williams- is there anyone else wishing to address council?

Bill Clipse- I own Meander Home Construction and the Holy Hill housing development on Elmwood. My address 6914 Ruby Ct. Austintown, OH and to respond to the Mayor's acquisition that we never met. That is actually pretty true. There has probably only been one time that him and I had talked. I would like to ask Dan Livingston how many times in the last two years have I been in your office to resolve this?

Mr. Livingston- We talked a few times about it but the last time you were here you never mentioned it. I did talk to you about things but I don't want to discuss anything on that letter because

Mr. Clipse-I don't either. I am not here to

Mr. Livingston-It is between lawyers now. I am not supposed to talk anything

Mr. Clipse- being told I never did anything with this

Mr. Livingston- You haven't with the Mayor but you have with me a couple of times but not the Mayor.

Mr. Clipse- One time he was in your office at one time

Mayor- I believe the quote that you have here which I take exception to May I read it?

Mr. Clipse- sure

Mayor- Okay. I will read this it says "I have requested meetings almost every month since October 2014." How many months would that be?

Mr. Clipse- but those meetings were with

Mayor- I have requested meetings every month with Mayor and Service Director to resolve

Mr. Clipse- okay

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Mayor-Quite honestly, I could ask my secretary there "how many phone calls did you receive from Mr. Clipse for a meeting with me?"

Mr. Clipse-none

Mayor-None, absolutely right!

Mr. Clipse- I usually show up at your office.

Mayor- Every month since Bill? I am just saying Bill it is not totally factual.

Mr. Clipse-okay

Mayor- and I am just going to leave it at that!

Mr. Clipse-Okay and I am fine with that. Here is what I would like to address with council. This was brought to council a year ago September. It was put before you and I asked you not to make a decision on it because the Mayor and the Service Director approached me right here and said we would resolve that. Some of you were here in office some of you weren't. That was a year before that I was told it would be resolved. I was told I was to take it to council. The night of the council meeting, right before the meeting, I was approached and told you don't have to go to council we will get this resolved. I brought it before council anyway and had it documented. It was either September or October's meeting. It was maybe a year and a half ago when I brought that before council and I asked you/I wasn't after a decision to be made. I did not ask for that I just wanted it brought before council. That was a year ago September approximately. Dan I am not looking for an exact number maybe six times I have been in your office since then (seven) for different things or something else we discussed. Probably the biggest problem that I have is the development is done except for probably six or seven more lots for sale up there. As we stand here and speak I have not gotten one signed anything that accepts /there is a sewer line acceptance letter. There are no water lines accepted or no streets accepted. There is nothing. Pretty much everything up there I had to fight for. I was told it was my job to plow the streets. We haven't accepted the streets. No problem, I plowed them with a back hoe the first year.

Mr. Livingston- whoa

Mr. Clipse- It got resolved. You're taking care of it. I am not saying you're not. Bob Toth was in office then. I called he said we don't have those streets so you have to maintain them. The second year I said Bob

Mr. Williams- wait wait #1

Mr. Clipse-Okay. I am not pointing the finger at Bob either.

Mr. Williams- If you would let me speak one second. Bob Toth has no authorization or had no authorization. He is the Assistant to the Engineer.

Mr. Clipse-correct

Mr. Williams- to say if we plow a street or we don't plow a street

Mr. Clipse- We had different Service Directors back then but these people have retired. Some of them passed away so I am not pointing a finger saying Bob Toth did or didn't say. He said we don't own the streets. We don't have to maintain them. I pretty much told him and I am not an attorney but you issued those people permits. There is a 70 some year old lady there. There were only two houses up there. I was told they weren't going to do anything. Long story short, we issued the lady a permit. We accept her tax money. We accept her utility money. I think you will find out if it got to court and I am not a law director either but if that lady fell in that street and got hurt (you accepted the money and let her build a house) I think you will find out you own that street anyhow.

Mr. Williams- Are we taking care of the streets now?

Mr. Clipse-Yea

Mr. Williams- so we are discussing a subject that is a moot point now

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Mr. Clipse-yes again

Mr. Williams- If I could just but this to rest. Apparently, this is between our attorneys at this point. You came in front of council and discussed this and you and I discussed this also. We don't have a copy of an agreement. You said you do. Have you brought that copy of that agreement with you?

Mr. Clipse- What I have

Mr. Williams- the signed agreement between you and the Mayor or the service director would have had to sign.

Mr. Clipse- No sir, what I have is signed off engineered drawings of water lines submitted to the city.

Mr. Williams- That is not an agreement

Mr. Clipse -What you have before you is where Bob Toth accepted those documents for them because you don't have a City Engineer. That document is in there where he signed it and forwarded it to the County Engineer for review. Upon review, they had us make one change.

Mr. Williams- Alright, you are discussing two separate items!

Mr. Clipse- No I'm not

Mr. Williams- Yes you are. You are discussing your as-built drawings being accepted and the county making changes. What I am discussing is you say you want \$19,000 for an agreement you had with the city to be reimbursed.

Mr. Clipse- correct

Mr. Williams- Do you have a copy of that agreement. We do not and to my knowledge, I was the utilities Chairman at the time, if the city would have entered into an agreement with you with that. We have only ever done one other one.

Mr. Clipse-Okay

Mr. Williams- It would have come in front of council and council would have had a vote.

Mr. Clipse- When I came to the city, I was told step by step what to do.

Mr. Williams- Do you have an agreement?

Mr. Clipse- No sir

Mr. Williams- We do not either

Mr. Clipse-correct

Mr. Williams- so there is no agreement

Mr. Clipse-Well, I was told I put it in illegally.

Mr. Williams- excuse me

Mr. Clipse- I was told that I put it in illegally.

Mr. Williams- Who told you that?

Mr. Clipse- Your Service Director, Your Mayor that Mr. Camuso did not have the authority to sign that?

Mr. Livingston- I told you that you put something in illegally?

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Mr. Clipse- You did not. You weren't here then.

Mr. Livingston- Okay

Mayor- You say I said that?

Mr. Clipse-Yea

Mayor- I said you put it in illegally?

Mr. Clipse-Yep

Mayor- and who else do you claim said that?

Mr. Clipse- My claim was

Mayor- You said two people said that. I said that and who else?

Mr. Williams- If he said it as the Mayor then he said it as the Service Director

Mr. Clipse- We are talking something that has been going on for 5 or 6 years.

Mr. Williams- Exactly, the first time you brought it here.

Mr. Clipse- I think it was your law director but I can't swear to that.

Mayor- I don't know we were at the same meeting with your lawyers and I don't ever recall saying that. I am sorry.

Mr. Williams- Mr. Villano

Mr. Clipse- I don't expect him to answer yes or know this is something that has been 5 or 6 years ago.

Mayor- well your still \*\*\*\* by saying that. Quite honestly to tell you, I never said that you put it in illegally.

Mr. Clipse- Did you Mr. Mayor come right here on this floor and tell me we would resolve this problem without going to council?

Mayor-Quite honestly no, I don't remember that either and I just asked Dan if he did.

Mr. Livingston-We talked about trying to work out something.

Mr. Clipse- You came to me before the council

Mr. Livingston-Yea before and when we talked about that thing before

Mr. Williams- Okay one moment please, everybody stop.

Mr. Villano- You have several different issues going on here. As Mr. Williams started on the right track, you have the money issue of whether the city is going to reimburse you. That would require an agreement with the city and voted on by council

Mr. Clipse-okay

Mr. Villano- for the reimbursement fee. As far as installing the utility, we would have to have an engineer review that whether there was an agreement or not before we would accept that. Now, once that is accepted and we approved drawings then someone on council would have to make a motion to dedicate these streets and dedicate these lines and the city would accept them. Your other argument with your project partially

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

completed and you removing the snow is a separate issue because the project is not complete, therefore you would more or less have ownership of that until we accepted the roads. Now, the city has plowed other developments when they were far enough along. If you have two houses up there that is a whole separate issue there. You have about three different issues going on.

Mr. Clipse- three issues, correct

Mr. Villano- The most important issue to you is the money.

Mr. Clipse-No

Mr. Villano- because the other issue to me seems to be we don't have to give anyone utilities. When you request them, you have to install the utilities to our specifications and we accept them. That is a whole other issue. That is where these engineered drawings are coming in but I don't see anywhere where the drawings say there is a reimbursement.

Multiple comments

Mr. Villano-That is not an agreement. That's

Mr. Clipse-That is a state law.

Mr. Villano- the 307 agreement is something that is exactly what you said. It is an agreement. You have to agree on it. You can't go back and rely on one piece of law and force it on someone else and say I am entitled to this money. That is a whole separate issue here.

Mr. Clipse- We are not here...I don't want to tie the meeting up with the law and like you said

Mr. Williams- Your three minutes are up I am sorry.

Mr. Clipse- Can I ask one more thing? It will take like 10 seconds.

Mr. O'Hara- I am okay with three more minutes

Ms. Baumiller-sure

It was moved by Mr. O'Hara with a second by Ms. Baumiller to extend Mr. Clipse's time. There were no questions or comments. Motion passed. Vote unanimous.

Mr. Clipse- Thank you, I appreciate it council. I won't take three minutes. Dan, I just got two more questions for you?

Mr. Williams- I am sorry this is council's meeting. This is supposed to be discussing business that pertains to council. Do you have questions for Mr. Livingston? He is here every day in his office from 8 to 2:30? Unless this pertains to council business what you are asking here

Mr. Clipse- It is. It does.

Mr. Williams- because you are supposed to be talking to us

Mr. Clipse- In those meetings Dan and I had (and he is here to dispute if he would like to), we had a discussion that was probably about half of what is owed to me. I thought it was a more than fair offer. I didn't think it was costing the city much money. I put the sewer taps in. It was a suggestion by me that I put the sewer taps in for the 12 lots up there. Dan said that if I pave those streets, they would be accepted and we would discuss that. He wouldn't discuss it

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Mr. Livingston- No. No. No. What I said we would accept your streets. Now, I have a question for you.

Mr. Clipse- Have they been accepted?

Mr. Livingston- When did you ever bring me back the receipt that you had that done?

Mr. Clipse- I gave it to you Dan.

Mr. Livingston- No. No. Who paved it?

Mr. Clipse- Butch & McCree

Mr. Livingston- No, you gave me an estimate and you said you were going to put the money in escrow until the project was done. You never gave me any paper work. All you ever gave me was an estimate from Gene Butch. The agreement I thought we had was you put that in escrow until the houses were done and he would put the final top coat on. Am I right or wrong? Am I right or wrong?

Mr. Clipse- Somewhat

Mr. Livingston- Alright, you say it's been paved and the top coat has been done. I am just saying you never came back down and said Dan let's go look at it because it's been done. So if I call Gene Butch tomorrow he is going to tell me he did it?

Mr. Clipse-yea

Mr. Livingston- Okay, I will make the call tomorrow then we will discuss it.

Mr. Clipse- I forgot what the other thing was now. Don't worry about it. I am not here to beat the City of Hubbard up. I have done everything I can possibly due to get the nicest development you could have. There are 12 more lots put in that I wasn't going to put in without that okay. I did it anyway. I am not here to beat the City up. I am here to work out any kind of deal you want to (work out stuff). I had suggested to the Mayor and the Service director was less than half of what I

Mr. Williams- If I could just give you my opinion. I no longer have a vote but I have sat up here for 18 years. I personally would never vote to give you city money because

Mr. Clipse- First of all, it should have never been city money.

Mr. Williams-excuse me

Mr. Clipse-It should have never been city money. The nursing home owes that fee. The city was supposed to stop that tap and they didn't.

Mr. Williams- Again, there is no agreement. There is no signed agreement so we had no authority to make them pay for that.

Mr. Clipse-Yes there is a letter right there for the 307 signed by

Mr. Williams- Wait. Wait. Wait. Who from the city?

Mr. Clipse-the water superintendent, foreman, acting superintendent

Mr. Livingston- inaudible

Mr. Williams- Nope. Nope. Nope. I have this thank you

Mr. Clipse- Pat Camuso! That is the name I am looking for.

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Mr. Williams- Unfortunately, Mr. Camuso doesn't have the authority to do something like that.

Mr. Clipse- As an acting water superintendent?

Mr. Williams- No he does not.

Mr. Clipse- His signature is on everything for 5 years including the main line sewer on your Main Street.

Mr. Williams- Yes it was because he was authorized by us. He signed the EPA papers.

Mr. Clipse- If he is capable of signing the EPA, I am sure he can approve a waterline.

Mr. Williams- No, he is not going to approve it. It is not a water tap. You sat here for 5 years

Mr. Clipse- You wouldn't have a nursing home if it wasn't for that water line.

Mr. Williams- I am sure it would have got put in if they wanted to put a nursing home there

Mr. Clipse- possibly

Mr. Williams- No, I am pretty sure they would have. I am sure. Just like you, you wouldn't have a development without that waterline. Correct?

Mr. Clipse- sure, correct

Mr. Williams- and if that was the case, I am sure if they would have had to they probably would have put a waterline in. The only thing I am talking about... you keep jumping around about 97 different things. You are asking us for \$19,000.

Mr. Clipse- I am asking you to

Mr. Williams- You're asking for \$19,000 or somewhat.

Mr. Clipse-Okay

Mr. Williams- As I have said the four or five times you and I have discussed this

Mr. Clipse- I don't remember discussing it with

Mr. Williams- Oh we discussed it. We discussed it outside. We discussed it here. I remember one day discussing it with you and I think when Pat was still here. As I said at that time, bring me... you kept telling me there was an agreement. Bring me your copy of the agreement that would have been signed by someone officially from the city. Agreements like this, you can say what you want about Pat Camuso but he could not sign that. He was the city's foreman.

Mr. Clipse-Okay

Mr. Williams- an agreement like this would have had to been done with legislation. Just like the past agreement that was done on Creed Avenue.

Mr. Clipse-Okay, I will explain one thing and I will hang it up here. At the point and time when I brought a 307 request to a city or township, the city at that time tells me how to write that. How basically/it is brought to you

Mr. Williams- So you have done these before?

Mr. Clipse- Yes sir, many times

**PUBLIC ADDRESS ON NON-AGENDA ITEMS-**

Mr. Williams- and when you bring it to the city, who do you bring it to?

Mr. Clipse- it is usually townships. I haven't dealt with cities

Mr. Williams- oh okay

Mr. Clipse- with a city it is brought to you requesting that 307 reimbursements at that point in time you are supposed to put that on record and implement that. In townships, it has to go through a county commissioner. In the City, I am told by you what to do or how to respond with that 307. I submitted my letter. You have copies of it.

Mr. Williams- when was your letter submitted?

Mr. Clipse- I don't have that copy in front of me, I can look at yours and tell you. Well I will let it go at that. I will show you. Thank you folks!

Mr. Williams- Alright thank you

Mr. Clipse- I appreciate it very much.

Mr. Williams- Where are we at? Anyone else wish to address council? If not I would entertain a motion to adjourn.

**ADJOURN**

A motion by Mr. Toda and seconded by Ms. Baumiller to adjourn. There were no questions or comments on the motion. Motion carried. Vote Unanimous.

---

Lorrie Brown, Council Clerk

---

William Williams, President