

**MONDAY, FEBRUARY 27, 2023
REGULAR MINUTES/JOURNAL**

PLEDGE

ROLL CALL

PRESIDENT OF COUNCIL	MR. REYNALD J. PAOLONE	PRESENT
FIRST WARD COUNCILMAN	MR. KEITH SCHUBERT	PRESENT
SECOND WARD COUNCILMAN	MR. MARK STANDOHAR	PRESENT
THIRD WARD COUNCILMAN	MR. JEFF KAY	PRESENT
FOURTH WARD COUNCILMAN	MR. THOMAS GRUMLEY	PRESENT
COUNCILMAN-AT-LARGE	MS. LILY MARTUCCIO	PRESENT
COUNCILMAN-AT-LARGE	MR. JOHN MOLITERNO	ABSENT
COUNCILMAN-AT-LARGE	MR. SAM ZIRAFI	PRESENT

**MOTION GRUMLEY SECOND KAY TO EXCUSE COUNCILMEN MOLITERNO FROM THE MEETING OF
FEBRUARY 27, 2023.**

SCHUBERT
STANDOHAR
KAY 2
GRUMLEY 1
MARTUCCIO
MOLITERNO
ZIRAFI
MOTION PASSES 6-0

COMMUNICATIONS

ADDITIONS & DELETIONS

ACCEPTANCE OF AGENDA

MOTION ZIRAFI SECOND MARTUCCIO TO ACCEPT THE AGENDA OF FEBRUARY 27, 2023 AS WRITTEN.

SCHUBERT
STANDOHAR
KAY
GRUMLEY
MARTUCCIO 2
MOLITERNO
ZIRAFI 1
MOTION PASSES 6-0

APPROVAL OF MINUTES

MOTION MARTUCCIO SECOND ZIRAFI TO APPROVE THE MINUTES OF FEBRUARY 13, 2023 AS WRITTEN.

SCHUBERT Abstain
STANDOHAR
KAY Abstain
GRUMLEY
MARTUCCIO 1
MOLITERNO
ZIRAFI 2
MOTION PASSES 4-0

CITIZENS' COMMENTS

REPORT OF OFFICERS AND DIRECTORS OF THE CITY

MAYOR **JAMES MELFI** **PRESENT**

Mayor Melfi said the only thing he had tonight was that he would like to ask for an executive session to continue a conversation that they had at the last meeting and the only thing is, dependent upon council, there may be action afterwards. President of Council Paolone asked there may be action afterwards? The mayor said he sees the press isn't there, depending upon council's opinion. Councilman Grumley said they'll just come back, that's all. Paolone said they have nothing in writing, pertaining to something on the agenda tonight? They mayor said no. Paolone said they have nothing in writing to act upon. The mayor said if they don't want to have any action that is fine as well. Paolone said only because.....the mayor said that's fine you need further explanation. Paolone said he doesn't mind an executive session. The law director said he thinks if they are looking to proceed with moving forward they would need legislation for that. Paolone said they can ask for legislation to be prepared? Kren said yes. Paolone asked if they could do that after the executive session? Kren said under new legislation. Paolone said they will pencil in the executive session before new legislation, after the ordinances are read and they'll come back in after new legislation.

COMMENTS:

SAFETY/SERVICE DIRECTOR **JERRY LAMBERT** **PRESENT**

Mr. Lambert said he had nothing. He would let Mark Standohar give the report as far as the streets go.

COMMENTS:

LAW DIRECTOR **BRIAN KREN** **PRESENT**

Attorney Kren stated that he gave part of his report at the finance meeting and saved some bad news for the regular meeting but he has been getting lots of phone calls from the law director of Niles. Their contract is expired a long time ago, about renewing the contract. President of Council said for? Kren said water. Under the same terms that they did before which was always 40% over their inside rate. The allegations have been made that what they have been paying is less than their inside rate so even if they were keeping the same they may be seeing a huge increase if that is accurate. Based on their numbers it may be \$90,000 a month based off of current usage. Kay asked if that is \$90,000 more a month and Kren said correct. Paolone asked what they pay now and the auditor said she thinks around \$80,000. That

would be additional money per month. Paolone asked \$90,000 over the \$80,000. Ms. Coleman said yes, it could fluctuate. Paolone asked Mr. Lambert to take the floor. Mr. Lambert said they are in negotiations, well not negotiations with Niles they are discussing this. Lambert said, like he told Brian and he's told the people in Niles, he checks these figures every month since 2017 and that was the last time they had an increase from any of the entities, Youngstown, Niles, Trumbull County and McDonald. The numbers have not changed. Lambert said his problem is that normally you don't have a price increase until you get an increase from the MVSD and the last seven years they have only requested one which got shot down a couple of months ago. What he is trying to find out, and he knows this is through Brian and he is not going to talk for him he is going to talk in addition and he wants to know when the price came into effect, did it effect the inside, because they were supposed to be increased once they increase all of the money to the inside users before they pass it on to them. They have never seen that. Lambert said he is not happy with any of this at all and he has already instructed the auditor's office that he does not want to pay one dime more than what he normally paying based on the figures that he sees every month because to him it is just not justified. Mr. Lambert said that that is his stand and he thinks we should fight it as far as they have to do. President of Council asked if Mr. Lambert would keep council informed as they go on and he said he would. Mayor Melfi said first of all they will fight it. There is nothing, they have not provided them any documentation saying they have raised their inside rates and then they would pay 40% over that. The mayor said they have no documentation to that affect. They have not provided it for us. There has been nothing in the paper. They follow it very closely. Keep in mind then that rate increase comes through to them and then they have to pass it on as well. The mayor said they may or may not. There has not been a rate increase in this city since '17. There has not been a sewer increase since '17. They built a \$21 million improvement addition at the waste water treatment plant without an increase in years making that payment and you can see the balances are still strong. They are not taking their word for it to pay more money. Councilman Grumley asked if they invoice them and the auditor said yes. Mr. Lambert said he gets the invoices and the invoices usually, when they first started giving him the invoices they were in cubic feet so he had to convert to gallons to get a price per gallon the whole shot. None of the numbers through all of the years have really changed and yet the last number of bills they have been sending us are all of a sudden gallons. If you figure it out with their numbers based on gallons it is a different price, but there has been nothing that can substantiate when they went from the cubic feet to gallons and how they justify the difference in price and like he told this guy they have been working on this thing for the last seven years with the exact same price and they are over here making adjustments to their water in the entire city because their price from Niles in the lowest price they get and now what is going to happen. Mr. Lambert said he refuses to believe this and he has a call in to Neptune, who does their meters as well, because he knows originally they were in cubic feet but if they are now in gallons he wants to know when it got changed over to gallons and why the actual numbers on those machines didn't indicate that now it is gallons not cubic feet. It is not there. Councilman Grumley said they we can't owe anything in arrears if we paid our invoices. Lambert said they are saying we owe them a million dollars. Attorney Kren said he is rounding numbers here but he things they were paying like 360 per thousand gallons. Lambert said 376, something like that. Kren said supposedly their inside rate was like 430. Taking them at their word that there may have been some colossal lack of oversite in their own department, but they have, he has it in writing from their law director that they are not seeking anything in arrears but moving forward, one way or another they should have a contract in writing. It is going to be pretty easy to find out what their inside customers are. Mr. Lambert said the crazy part about it is, and he has talked to Brian about it before, his daughter lives in Niles. They have gone back and looked at the last two years

of bills and they can't even figure out what she is paying. Can't even figure out what she is paying on a monthly basis. It is so screwed up in Niles it is ridiculous. Now all of a sudden instead of them owing all of this back money, oh they'll forgive the back money we are going to double what it is right now. The mayor said they also want them to give up a portion of their sewer district which is established by the federal EPA. The mayor said they are not doing that either. A possible development in the future in their sewer district, that sewage comes to the city of Girard. They want it and they want it for nothing. They are not getting anything. The mayor said there is more to this little argument than one may see. President of Council said they will give this to the utility chair and keep him abreast of it.

COMMENTS:

AUDITOR **JULIE COLEMAN** **PRESENT**

Ms. Coleman said she had nothing further from finance.

COMMENTS:

TREASURER **MARK ZUPPO** **PRESENT**

No report.

COMMENTS:

FIRE CHIEF **JAMES PETRUZZI** **PRESENT**

Chief Petruzzi said their calls year to date are 360. The only other things he has are the entry level test is tomorrow evening. They have 5 signed up and hopefully they all show up for the test. They had a house fire Saturday evening. No injuries were reported. Some pets were saved. They were thankful for their mutual aid companies that came to assist.

COMMENTS:

POLICE CHIEF **JOHN NORMAN** **ABSENT**

COMMENTS:

COMMITTEE REPORTS

FINANCES-MOLITERNO-GRUMLEY-ZIRAFI

Councilman Grumley said they met this evening. The treasurer and auditor gave their reports and fielded a few questions from council. They are going to try to set up a meeting with the judge to discuss his budget for 2023. The next finance meeting will be March 27th at 6:30 pm.

COMMENTS:

ECONOMIC DEVELOPMENT-KAY-MARTUCCIO-MOLITERNO

No report.

COMMENTS:

BUILDING & GROUNDS-SCHUBERT-STANDOHAR-KAY

Councilman Schubert said he would like to have a committee meeting on March 13th at 6:30 pm to discuss the ARP money with regard to spending some of that in the parks. President of Council asked here or Jerry's office and Schubert responded here.

COMMENTS:

HEALTH & SAFETY-GRUMLEY-MOLITERNO-MARTUCCIO

Councilman Grumley said he had no report but once again he would just like to thank both departments for what they do every day.

COMMENTS:

STREETS SIDEWALKS & EMPLOYEE WELFARE-STANDOHAR-KAY-GRUMLEY

Councilman Standohar said the streets and sidewalks committee met this evening at 6:00 pm in the safety service director's office. They went over extensively the city's internal list of proposed streets to put out for bid. Each committee member then also suggested some other streets for the administration and the street foreman to consider for the paving program. Standohar said they are being very realistic knowing that funds are a bit tight and there are some additional monies to be spent on the salt barn this year so they are going to have to be very targeted in what they do and he thinks all of the committee members are on the same page at this point. Also it was discussed, which they think is of significant importance is that for the first time they really had a little more open dialogue and maybe make an official list with the administration in regard to targeting which roads are going to be the focus of and given priority with the tar gun and going out there and trying to save those roads that they have invested so much money in over the last three to five years and due to being in northeast Ohio they are already showing some cracks here and there and the tar gun would certainly address those situations and maybe prolong the life of those streets that they have paved and spent so much money on and protect their investment. Standohar said if his committee members Kay or Grumley had anything else they wanted to add they could do that but that is the conclusion of his report. They will be meeting at 6 pm in Jerry's office before the next meeting again. Councilman Grumley said it was a cordial meeting and no one got bloody.

COMMENTS:

Councilwoman Martuccio asked if there will be a preliminary list of streets available to council so they can maybe suggest or see what....Mr. Lambert said they have been asking council for about the last month or six weeks to give him a list and nobody besides Mark, Jim and Tom have given him a list. Councilman Standohar said he did make several announcements as he thinks Jerry may have made at least one also that any council member who wished to bring up any streets....Councilman Kay said they could give her time to make suggestions.

UTILITIES-ZIRAFI-SCHUBERT-STANDOHAR

Councilman Zirafi said he had no report but he will touch base with Jerry on a regular basis to see what is going on with Niles. He would ask off the top of his head in this now defunct contract was there a clause that said that you had to give somebody week's notice or so many days' notice before you got any movement on price increases? Attorney Kren said that if he could find a copy of the contract he would be glad to answer that. Mr. Lambert said they have done that in the past like when they negotiated with Trumbull County they got that one done and the only thing that bothers them on this one is that they say they had the price increases within the city and didn't tell them about it. Zirafi said he is sure it is a matter of public record. Could they make a public records request through their law director? Lambert said he requested it, the law director requested it.... Zirafi asked if they've responded. Mr. Lambert said they have

not responded to him and asked the law director if they responded to him. Kren said not entirely, no. President of Council said they'll follow it.

COMMENTS:

ZONING-MARTUCCIO-ZIRAFI-SCHUBERT

Councilwoman Martuccio said she had no report. She had an update on the Earth Day cleanup Saturday, April 22nd from 9 to 12. The first ward will meet at Tod Park, the second and third wards will meet at the library and the 4th ward will meet at Stambaugh Park in Parkwood.

COMMENTS:

ORDINANCES

51-46

POSTPONED FROM 2-13-23

A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO SEVENTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$72,500) OF THE CITY OF GIRARD'S COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND AS PART OF THE ONGOING FY21 USEPA BROWNFIELDS CLEANUP GRANT TO FUND THE REMEDIATION OF CONTAMINATED PARCELS LOCATED ON THE FORMER GIRARD LEATHERWORKS PROPERTY AND DECLARING IT AN EMERGENCY.

MOTION GRUMLEY SECOND KAY FOR PASSAGE OF ORDINANCE NO. 51-46.

SCHUBERT

STANDOHAR

KAY 2

GRUMLEY 1

MARTUCCIO

MOLITERNO

ZIRAFI

MOTION PASSED 6-0

51-50

SECOND READING

AN ORDINANCE AMENDING ORDINANCE 8354-22 TO INCREASE THE COST OF THE PREVIOUSLY AWARDED CONTRACT FROM \$298,000.00 TO \$302,415.00 DUE TO THE ADDITIONAL LABOR AND EQUIPMENT.

MOTION GRUMLEY SECOND MARTUCCIO FOR SUSPENSION OF THE THIRD READING OF ORDINANCE NO. 51-50.

Councilman Grumley said for those that were not in attendance at the last meeting, this was all explained by Nic Coggins. The increase was due to an error in the measurement of the dirt. He is there tonight if anyone wanted it explained but they did hear it all at the last meeting.

SCHUBERT

STANDOHAR

KAY

GRUMLEY 1

MARTUCCIO 2

MOLITERNO

ZIRAFI

MOTION PASSED 6-0

MOTION GRUMLEY SECOND MARTUCCIO FOR PASSAGE OF ORDINANCE 51-50.

SCHUBERT

STANDOHAR

KAY

GRUMLEY 1

MARTUCCIO 2

MOLITERNO

ZIRAFI

MOTION PASSED 6-0

51-51

SECOND READING

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION DURING CALENDAR YEAR 2023 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D).

President of Council asked the service director where they are at with this. Mr. Lambert said he would like it suspended because they have some equipment they could sell but they need this so that they can advertise it first and then they put it on their auction site.

MOTION GRUMLEY SECOND ZIRAFI FOR SUSPENSION OF THE THIRD READING OF ORDINANCE 51-51.

SCHUBERT

STANDOHAR

KAY

GRUMLEY 1

MARTUCCIO

MOLITERNO

ZIRAFI 2

MOTION PASSED 6-0

MOTION GRUMLEY SECOND ZIRAFI FOR PASSAGE OF ORDINANCE 51-51.

SCHUBERT

STANDOHAR

KAY

GRUMLEY 1

MARTUCCIO

MOLITERNO

ZIRAFI 2

MOTION PASSED 6-0

51-52

SECOND READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH MURPHY TRACTOR & EQUIPMENT OF HARMONY, PENNSYLVANIA TO PURCHASE A JOHN DEERE 310 P-TIER BACKHOE AT A PRICE NOT TO EXCEED \$145,832.00 PURSUANT TO THE STATE COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY.

Mr. Lambert said they need this. Councilman Grumley said he doesn't imagine there is not one of these on the shelf right now. Mr. Lambert responded that the dealer wants to know. He called just to see what the status was. Grumley asked what the lead time was after they order it. Lambert said he is not sure. He said he would let him know tomorrow but it has to be at least 6-12 weeks. Grumley said they all agree this is the best price, state pricing.

MOTION GRUMLEY SECOND ZIRAFI FOR SUSPENSION OF THE THIRD READING OF ORDINANCE 51-52.

SCHUBERT
STANDOHAR
KAY
GRUMLEY 1
MARTUCCIO
MOLITERNO
ZIRAFI 2
MOTION PASSED 6-0

MOTION GRUMLEY SECOND ZIRAFI FOR PASSAGE OF ORDINANCE 51-52.

Councilman Kay asked if this was coming out of the water department and both the auditor and service director responded that it was.

SCHUBERT
STANDOHAR
KAY
GRUMLEY 1
MARTUCCIO
MOLITERNO
ZIRAFI 2
MOTION PASSED 6-0

51-54

SECOND READING

AN ORDINANCE AMENDING ORDINANCE 8354-22 TO INCREASE THE COST OF THE PREVIOUSLY AWARDED CONTRACT FROM \$302,415.00 TO \$307,995.00 DUE TO A REM AREA CALCULATION ERROR IN THE AWARDED SCOPE OF WORK.

Councilman Grumley said he would guess that this all falls under that same project that was explained at the last meeting.

MOTION GRUMLEY SECOND MARTUCCIO FOR SUSPENSION OF THE THIRD READING OF ORDINANCE 51-54.

SCHUBERT
STANDOHAR
KAY
GRUMLEY 1
MARTUCCIO 2
MOLITERNO
ZIRAFI
MOTION PASSED 6-0

MOTION GRUMLEY SECOND MARTUCCIO FOR PASSAGE OF ORDINANCE 51-54.

SCHUBERT

STANDOHAR
KAY
GRUMLEY 1
MARTUCCIO 2
MOLITERNO
ZIRAFI
MOTION PASSED 6-0

51-55

SECOND READING

AN ORDINANCE AMENDING ORDINANCE 8354-22 TO CHANGE THE PAYMENT TERMS FOR THE IMPORT AND PLACEMENT OF CLEAN FILL AND INCREASE THE COST OF THE PREVIOUSLY AWARDED CONTRACT FROM \$307,995.00 TO \$308,745.00 DUE TO THE AVAILABILITY OF A CLEAN FILL CERTIFIED SITE IN LOCATION TO ACCESSIBLE SCALES.

Councilman Grumley said he explained this also. Grumley said he will just give them a briefing on it. The scales in the area where they were getting the original dirt was not available so they had to move the site and purchase from another site so that is the difference.

MOTION GRUMLEY SECOND ZIRAFI FOR SUSPENSION OF THE THIRD READING OF ORDINANCE 51-55.

SCHUBERT
STANDOHAR
KAY
GRUMLEY 1
MARTUCCIO
MOLITERNO
ZIRAFI 2
MOTION PASSED 6-0

MOTION GRUMLEY SECOND ZIRAFI FOR PASSAGE OF ORDINANCE 51-55.

SCHUBERT
STANDOHAR
KAY
GRUMLEY 1
MARTUCCIO
MOLITERNO
ZIRAFI 2
MOTION PASSED 6-0

51-56

FIRST READING

AN ORDINANCE CREATING ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR 2023 IN THE CITY OF GIRARD, OHIO.

President of Council asked the auditor if first reading was ok and she responded that she will need it passed by the next meeting.

MOTION ZIRAFI SECOND SCHUBERT TO GO INTO EXECUTIVE SESSION TO DISCUSS REAL ESTATE PURCHASE.

There may be business after so the clerk must stay.

SCHUBERT 2

STANDOHAR

KAY

GRUMLEY

MARTUCCIO

MOLITERNO

ZIRAFI 1

MOTION PASSED 6-0

MOTION ZIRAFI SECOND MARTUCCIO TO RETURN FROM EXECUTIVE SESSION.

SCHUBERT

STANDOHAR

KAY

GRUMLEY

MARTUCCIO 2

MOLITERNO

ZIRAFI 1

MOTION PASSED 6-0

NEW LEGISLATION

MOTION SCHUBERT SECOND STANDOHAR FOR LEGISLATION TO BE PREPARED FOR THE PURCHASE OF 27 W. LIBERTY STREET.

SCHUBERT 1

STANDOHAR 2

KAY

GRUMLEY

MARTUCCIO

MOLITERNO

ZIRAFI

MOTION PASSED 6-0

MOTION GRUMLEY SECOND SCHUBERT TO PREPARE LEGISLATION DEALING WITH MOBILE FOOD VENDOR FIRE INSPECTION CHECK LIST.

SCHUBERT 2

STANDOHAR

KAY

GRUMLEY 1

MARTUCCIO

MOLITERNO

ZIRAFI

MOTION PASSED 6-0

ADJOURNMENT

MOTION ZIRAFI SECOND MARTUCCIO TO ADJOURN THE MEETING OF FEBRUARY 27, 2023.

SCHUBERT

STANDOHAR

KAY

GRUMLEY

MARTUCCIO 1

MOLITERNO

ZIRAFI 2

MOTION PASSED 6-0

REYNALD PAOLONE, PRESIDENT OF COUNCIL

MONICA URBANIC, CLERK OF COUNCIL