

**MONDAY, JUNE 26, 2023
REGULAR MINUTES/JOURNAL**

PLEDGE

ROLL CALL

PRESIDENT OF COUNCIL	MR. REYNALD J. PAOLONE	PRESENT
FIRST WARD COUNCILMAN	MR. KEITH SCHUBERT	ABSENT
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	PRESENT
COUNCILMAN-AT-LARGE	MR. SAM ZIRAFI	PRESENT

MOTION GRUMLEY SECOND MARTUCCIO TO EXCUSE COUNCILMAN SCHUBERT FROM THE JUNE 26, 2023 COUNCIL MEETING.

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

COMMUNICATIONS

ADDITIONS & DELETIONS

51-73

AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF LAW TO ENTER INTO A CONTRACT WITH SUTTER O-CONNELL OF CLEVELAND, OHIO FOR LEGAL SERVICES FOR THE CONTINUED REPRESENTATION OF THE CITY.

MOTION MOLITERNO SECOND ZIRAFI TO ADD 51-73 TO THE AGENDA OF JUNE 26, 2023

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

ACCEPTANCE OF AGENDA

MOTION MARTUCCIO SECOND STANDOHAR TO ACCEPT THE AGENDA OF JUNE 26, 2023 AS AMENDED.

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

APPROVAL OF THE MINUTES

MOTION ZIRAFI SECOND GRUMLEY TO APPROVE THE MINUTES OF JUNE 12, 2023 AS WRITTEN.

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

CITIZENS' COMMENTS

Sonny Petracca lives on Kline Street in Girard. Mr. Petracca said he is sure everyone there knows why he is there. He said the biggest thing he would like to do is thank everyone that has gotten involved and tried to help. He said they jumped in to help them quite a bit. With that being said, they are not making a lot of progress next door. Mr. Petracca said he knows the guy had a visit from Dan Rau in the last several days. He has taken photographs. Petracca said he has done everything he could over there. Other people there have joined and he is really thrilled to say that, but to this point he has three days to remove everything from that property. Nothing has been done to this point. Mr. Petracca said he has three days left. He cannot do it in three days. He will not do it in three days. Petracca said his opinion is the only way they are going to get something done with this guy, and he knows they aren't in charge, he is not in charge, the only one that can do that is the judge and what is needed in his opinion is they need to fine him more. Mr. Petracca said if you fine him \$100, a couple \$100 it is going to get his attention. Right now he could care less. Petracca said he is tired of having his grandchildren visit and staying with him for a couple of days and hearing cursing, the swearing and everything else that goes on next door beyond him running a junkyard. Mr. Petracca said he appreciates everyone that has gotten involved. He thanks them from the bottom of his heart. His wife and him cannot do this alone. They are too old. The help is appreciated. He thanked everyone very much. President of Council Paolone thanked him for thanking them. He said it does not happen often.

Randy Emery 102 W. Liberty, Girard. Mr. Emery said he had a couple of things he wanted to put on record. He wanted to thank the people that ran the festival this past weekend. Many Hands Foundation. He said as far as his concern went, it was downtown or close to. He saw a lot of foot traffic, saw a lot of new faces. Emery said he did not know the innerworkings of who did what down there but he does know, on his end of things, the way it looked and the way it sounded, everything that they had to deal with it went well. He said he just wanted to put that on record so that's two nice things they have going tonight. Mr. Emery said he knows the mayor is not there tonight so he doesn't know if he can get a Wellman update. He said the other thing is that the minutes online, something happened with that. President of Council Paolone said he would let Monica answer him on that. The clerk said that there was a delay when she sent them to their webmaster and they are on there now as of this afternoon. Mr. Emery said he checked this morning and they still weren't on there. The clerk said she did too but they are on there now. Mr. Emery said he can't make every meeting so he appreciates it.

Attorney Kren said he had a follow up on the Wellman. The purchase agreement has now been signed by all of the parties. It is in the hands of the title company that is handling the closing. There are multiple property owners. Kren said there are recorded liens that have to be addressed and he thinks they are being addressed, but there are just a few steps they have to go through just to clean up the title side of it before the closing will go through. He can't give them the timeline but you know your normal closing can take 30 to 60 days.

Mr. Emery said he thought they were closed on it already but apparently not. Emery said secondly, he doesn't know, can anything actually be done in there to get prepared for the next thing while this is happening or do they have to wait until it closes?

Attorney Kren said he is an attorney and he always has to think about worst case scenario, he would never tell a seller to let a buyer in a building until the transfer. Emery said then you can't get in right now and Kren said that is correct.

REPORTS OF OFFICERS AND DIRECTORS OF THE CITY

MAYOR

JAMES MELFI

ABSENT

COMMENTS:

SAFETY/SERVICE DIRECTOR

JERRY LAMBERT

PRESENT

No report.

COMMENTS:

LAW DIRECTOR

BRIAN KREN

PRESENT

Attorney Kren said he hopefully had the clerk forwarded the two legislation that he had requested. He will need them acted on today. The first, which council gave a first reading last meeting. He apologizes that he was not able to be there to explain, but 25 W. Liberty Street, the Penza property, they had filed a lawsuit against the city to stop them from demolishing it. Kren said he filed a bunch of counterclaims against them in case they didn't fix it. They have done repairs. The building inspector has certified that it is all up to code and not a public nuisance. The city cannot tear the building down. Kren said for them to dismiss the case they need to be authorized to execute the settlement agreement. This case was only about whether it was a public nuisance that threatened public safety and welfare. There are many issues, zoning issues, occupancy issues. The inside of the building is still subject for review and further citation. Their other properties are not subject to this. This is solely about 25 W. Liberty no longer being a nuisance to be demolished. Kren said he doesn't know if anybody has any questions on that before he moves to the next thing.

Councilman Moliterno said that he is glad he said that. Moliterno continued, what you're saying is that this is only about the public nuisance portion. There is still potentially or are other problems with that building that we will find out more about as we go along, as the inspectors are there and as the results come to us.

Attorney Kren said that is correct. If a business wanted to go in there it is not getting certified. The inside is not, he hasn't been in there personally lately, but odds are the inside isn't up to code. It is not a building that is going to fall over or affect the adjoining buildings. Kren said as an aside the county had filed a tax foreclosure on the adjacent property that they did tear down. They had a nuisance abatement lien that gives them first right of refusal so to speak. That case is still pending, but they should be able to acquire that property at the end of the resolve of that case. Attorney Kren said moving on to the addition for today that was for the, he had spoken at last meeting in May, traffic camera class action lawsuit, which has been going on for five years, their defense was covered by the insurance company. They have done a good job representing the city, but now through the appeals under last decision the only remaining claim that the claimants can go forward on is a claim that is not covered under our insurance so now the insurance is no longer going to pay for legal defense. Kren said that while they have been representing us they have reduced their Cleveland city legal fees and he would highly recommend and ask that council pass that when the time comes. Finally, not to bring up more levies, but the chief and the president of council talked. The fire levy is up for renewal next year. It is a presidential election. If council wants to put it on the primary then they should start taking step one and step two before the end of this session, before the end of the year. Kren said that is up to council whether. He does think, correct him if he is wrong Mr. Zirafi, but he thinks at the beginning of the year the county auditor usually sends them a notice at the beginning of year. Councilman Zirafi said yes. Attorney Kren said that is when they should be having all of these discussions. Councilwoman Martuccio asked in January? Attorney Kren said yes, that goes to the city auditor's office. He said he did this memo back in September of all of the levies. He is glad the president kept it and read it, but he hates to keep running around poking everybody to get this done, but if council doesn't want to be rushed through this. Councilman Moliterno said his point is well made. The primary is in March this year so the ninety days starts a lot faster. Councilman Moliterno said good point. Councilman Zirafi said ninety days would almost be first of the year. Attorney Kren said step one and step two would have to be passed by the end of this year. There was further discussion regarding the levies and their preparation timing.

COMMENTS:

AUDITOR

JULIE COGGINS

ABSENT

COMMENTS:

TREASURER

MARK ZUPPO

PRESENT

The treasurer said collections for year to date through period 5, month of May, \$2,186,309.48 versus prior year to date \$1,874,571.60 up \$311,737.88 or 16.63%.

COMMENTS:

FIRE CHIEF **JAMES PETRUZZI** **PRESENT**
Chief Petruzzi said their calls for 2023 year to date is 1140. The chief said crews fought a house fire on S. Market Street the early morning of the 20th. They have labeled it as suspicious. The department investigators are working hand in hand with the state fire marshal's office to solve the case. The chief ended his report by saying smoke detectors save lives!

COMMENTS:

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

COMMENTS:

COMMITTEE REPORTS

FINANCES-MOLITERNO-GRUMLEY-ZIRAFI

Councilman Moliterno said they had a short finance committee meeting this evening. They did have a positive report from their treasurer. Moliterno said things are looking very good from an income tax standpoint at this point and time and they truly appreciate hearing that. They will have a much more extensive meeting next month when the auditor is back with them.

COMMENTS:

ECONOMIC DEVELOPMENT-KAY-MARTUCCIO-MOLITERNO

No report.

COMMENTS:

BUILDING & GROUNDS-SCHUBERT-STANDOHAR-KAY

No report.

COMMENTS:

Attorney Kren said he has a recommendation, and maybe he should have brought this up under citizens' comments. The high school is starting a girls' tennis team and he knows this because his oldest is on the team. He mentioned it to Councilman Schubert, he doesn't know if it would be possible to throw up a couple of nets in the tennis courts at Tod Park. Kren said there is nowhere in town for these girls. There was some discussion. Attorney Kren said that Kren Law has made a donation because the team has to be self-funded. He said he will keep making more donations. Councilman Moliterno asked if that was an advertisement? There was some more discussion and Attorney Kren said that Councilman Standohar had suggested that somebody make a donation. President of Council Paolone said that tennis would be wonderful. Mr. Zuppo said that he made a donation also. He challenged everyone to make a donation. Zuppo said he donated \$100. He said they want to raise \$2,000 and they are up to \$1,100 right now so he challenges everyone to make a donation. He thanked the law director. Councilman Moliterno said that is not a bad idea. They have one court they might as well throw a net back up from rec's standpoint. Give the kids someplace to go right in the middle of Tod Park. Mr. Zuppo said that Officer JJ Silverman is coaching the team. Paolone said he is a good guy.

HEALTH & SAFETY-GRUMLEY-MOLITERNO-MARTUCCIO

Councilman Grumley said they are going to meet on July 10th at 5:45 at the fire station.

COMMENTS:

STREETS SIDEWALKS & EMPLOYEE WELFARE-STANDOHAR-KAY-GRUMLEY

Councilman Standohar said they had discussions with the service director regarding the bids that came back on the paving program. When the auditor is back also the service director said he will have discussions with her and get in contact with him and he will set up a meeting with the committee when it is appropriate, and they will meet with the service director regarding if any streets need to be cut from that list because of the salt barn and different other projects that need to spread the money around. Right now the bids are at \$317,000 and he doesn't think the committee ever anticipated spending that type of money but they will see what the auditor has to say in that regards and they will let them know. Standohar said they will hope to pass that by the last meeting in July.

COMMENTS:

UTILITIES-ZIRAFI-SCHUBERT-STANDOHAR

No report.

COMMENTS:

ZONING-MARTUCCIO-ZIRAFI-SCHUBERT

Councilwoman Martuccio wanted to mention a thank you to the committee for putting on the Girard street festival. It was so nice to see families and kids in attendance. Martuccio said she wanted to thank the police chief or fire chief for all of their vehicles that they presented there. There were a lot of children going in and out and it was really heartwarming to see little kids enjoying those vehicles and so that maybe they are not as frightened of them going down the road.

COMMENTS:

ORDINANCES

51-66

SECOND READING

A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION.

MOTION MOLITERNO SECOND ZIRAFI TO SUSPEND THE THIRD READING OF ORDINANCE 51-66.

SCHUBERT Absent

STANDOHAR

KAY

GRUMLEY

MARTUCCIO

MOLITERNO 1

ZIRAFI 2

MOTION PASSES 6-0

MOTION MOLITERNO SECOND ZIRAFI FOR PASSAGE OF ORDINANCE 51-66.

SCHUBERT Absent

STANDOHAR

KAY

GRUMLEY

MARTUCCIO

MOLITERNO 1

ZIRAFI 2

MOTION PASSES 6-0

51-67

SECOND READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND LAW DIRECTOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE PROPERTY OWNERS OF 25 WEST LIBERTY STREET AND DECLARING AN EMERGENCY.

MOTION MOLITERNO SECOND ZIRAFI TO SUSPEND THE THIRD READING OF ORDINANCE 51-67

SCHUBERT Absent

STANDOHAR

KAY

GRUMLEY

MARTUCCIO

MOLITERNO 1

ZIRAFI 2

MOTION PASSES 6-0

MOTION MOLITERNO SECOND ZIRAFI FOR PASSAGE OF ORDINANCE 51-67

SCHUBERT Absent

STANDOHAR

KAY

GRUMLEY

MARTUCCIO

MOLITERNO 1

ZIRAFI 2

MOTION PASSES 6-0

51-68

FIRST READING

AN ORDINANCE ADOPTING AN ALTERNATIVE TAX BUDGET FOR THE CITY OF GIRARD, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2024, AND SUBMITTING COPIES OF SAME TO THE TRUMBULL COUNTY BUDGET COMMISSION.

MOTION MOLITERNO SECOND ZIRAFI TO SUSPEND THE SECOND AND THIRD READINGS OF ORDINANCE 51-68

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

MOTION MOLITERNO SECOND ZIRAFI FOR PASSAGE OF ORDINANCE 51-68

51-69 **FIRST READING**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH J.S. BOVA EXCAVATING, LLC, OF STRUTHERS, OHIO FOR THE KEEFER ROAD WATERLINE PROJECT FOR A PRICE NOT TO EXCEED ONE HUNDRED NINETY-THREE THOUSAND FIVE HUNDRED SEVENTY AND NO/100 DOLLARS (\$193,570.00).

51-70 **FIRST READING**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CLEARSPAN STRUCTURES OF GLASONBURY, CONNECTICUT, FOR THE ENGINEERING, DESIGN, MANUFACTURING, AND SHIPPING OF A 40 X 100 FOOT SALT BARN FOR A PRICE NOT TO EXCEED EIGHTY-FIVE THOUSAND AND FORTY-FOUR AND NO/100 DOLLARS (\$85,044.00).

51-71 **FIRST READING**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CLEARSPAN STRUCTURES OF GLASONBURY, CONNECTICUT, FOR A 40 X 60 FOOT SALT BARN (MATERIAL ONLY) FOR A PRICE NOT TO EXCEED SIXTY THOUSAND NINE HUNDRED TWENTY-NINE AND NO/100 DOLLARS (\$60,929.00).

51-72 **FIRST READING**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH VERDANTAS, LLC OF ST. CLAIRSVILLE, OHIO FOR PROFESSIONAL ENGINEERING SERVICES FOR PHASE 1 STUDY OF THE UPPER GIRARD LAKE DAM FOR A PRICE NOT TO EXCEED ONE HUNDRED NINETY-FIVE THOUSAND FOUR HUNDRED DOLLARS (\$195,400.00).

51-73 **FIRST READING**
AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF LAW TO ENTER INTO A CONTRACT WITH SUTTER O'CONNELL OF CLEVELAND, OHIO FOR LEGAL SERVICES FOR THE CONTINUED REPRESENTATION OF THE CITY.

MOTION MOLITERNO SECOND STANDOHAR TO SUSPEND THE SECOND AND THIRD READINGS OF ORDINANCE 51-73.

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

MOTION MOLITERNO SECOND STANDOHAR FOR THE PASSAGE OF ORDINANCE 51-73

SCHUBERT Absent
STANDOHAR 2
KAY
GRUMLEY
MARTUCCIO

MOLITERNO 1
MOTION PASSES 6-0

51-74

FIRST READING

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH LINDY PAVING, INC., 1807 SHENANGO RD., NEW GALILEE, PA 16141, FOR THE PAVING OF CERTAIN STREETS FOR A PRICE NOT TO EXCEED THREE HUNDRED SEVENTEEN THOUSAND TWO HUNDRED FIFTY-THREE AND 75/100 DOLLARS (\$317,253.75).

NEW LEGISLATION

Mr. Zuppo said he had one quick comment that he should have made during the treasurer's report. He also wanted to thank the fire chief. The presence down at the street festival was amazing and he thinks he was very proud to say they were Girard firefighters. They represented the community, and they understand community service very well. He thanked the chief.

President of Council asked if anyone wanted to request the fire levy. The law director said he would make sure they get on it in the Fall.

ADJOURNMENT

MOTION GRUMLEY SECOND KAY TO ADJOURN THE MEETING OF JUNE 26, 2023.

SCHUBERT Absent

STANDOHAR

KAY 2

GRUMLEY 1

MARTUCCIO

MOLITERNO

ZIRAFI

MOTION PASSES 6-0

MONICA URBANIC, CLERK OF COUNCIL

REYNALD PAOLONE, PRESIDENT OF COUNCIL