

50TH GIRARD CITY COUNCIL
MONDAY, SEPTEMBER 27, 2021
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. JEFFREY KAY	PRESENT
FOURTH WARD COUNCILMAN	MR. THOMAS GRUMLEY	ABSENT
COUNCILMAN-AT-LARGE	MS. LILY MARTUCCIO	PRESENT
COUNCILMAN-AT-LARGE	MR. JOHN MOLITERNO	PRESENT
COUNCILMAN-AT-LARGE	MR. SAMUEL ZIRAFI	ABSENT

MOTION MOLITERNO SECOND MARTUCCIO TO EXCUSE COUNCILMAN
ZIRAFI FROM THE REGULAR MEETING OF SEPTEMBER 27, 2021.

SCHUBERT
STANDOHAR
KAY
MARTUCCIO - 2
MOLITERNO - 1
PASSED 5 YES VOTES

MOTION KAY SECOND MARTUCCIO TO EXCUSE COUNCILMAN GRUMLEY
FROM THE REGULAR MEETING OF SEPTEMBER 27, 2021.

SCHUBERT
STANDOHAR
KAY - 1
MARTUCCIO - 2
MOLITERNO
PASSED 5 YES VOTES

PRESENTATION

MR. PAOLONE: City of Girard, Ohio, Proclamation Honoring
the Success and Commitment of Windsor House, Inc., a
tradition of caring since 1959.

Whereas, Windsor House, Inc. has been headquartered
at 101 West Liberty Street in Girard, Ohio since 1990 and
has been a solid pillar of the City of Girard, Ohio; and
has provided long term successful care for the elderly in
Northeast Ohio and Western Pennsylvania; and

Whereas, founding the company in 1959, John
Masternick, a prominent attorney and Judge in the
Mahoning Valley and his wife Dorothy, a Registered Nurse,
residents of the City of Girard, had a clear mission in
mind, which is to provide the best possible quality of

life in long term care; and

Whereas, Mr. Masternick went out and bought five nursing homes which at that time, nursing homes were large converted mansions; and

Whereas, Mr. and Mrs. Masternick felt that the elderly needed more than old converted homes to live in, with their favorite Bible verse, always in the back of their mind, "Amen, I say to you, whatever you did for one of these least of my little ones, you did for me." Matthew 25:40; and

Whereas, Windsor House, Inc. today owns and operates twelve nursing homes and five assisted living communities in Northeast Ohio and Western Pennsylvania; and

Whereas, over the past six decades, Windsor House has cared for and employed over 75,000 people. According to the Youngstown Warren Regional Chamber, Windsor House is one of the area's largest employers with over 1,300 employees.

Now, therefore, the Mayor and Council of the City of Girard, Ohio do hereby deem it an honor to present this proclamation to Windsor House, Inc. in recognition and appreciation of its investment in and commitment to our community.

Proclaimed this 27th day of September 2021.

MR. MASTERNICK: This is a beautiful tribute to my parents and we really appreciate it. We haven't really done anything other than what they taught us to do, get up and go to work. I told my father I would work for him for five years and I was going to go off on my own and that was 30 years ago. It's been an honor and I'm very grateful. The City of Girard has been a wonderful partner to work with. I want to thank you guys for keeping that going. Thank you very much.

COMMUNICATIONS

MOTION STANDOHAR SECOND SCHUBERT TO FILE THE LETTER DATED SEPTEMBER 16, 2021 OF MICHAEL STEPIC WITH COUNCIL AS A WHOLE.

SCHUBERT - 2

STANDOHAR - 1

KAY

MARTUCCIO

MOLITERNO

PASSED 5 YES VOTES

ADDITIONS & DELETIONS

NONE

ACCEPTANCE OF THE AGENDA

MOTION MOLITERNO SECOND MARTUCCIO TO ACCEPT THE AGENDA OF SEPTEMBER 27, 2021 AS WRITTEN.

SCHUBERT
STANDOHAR
KAY
MARTUCCIO - 2
MOLITERNO - 1
PASSED 5 YES VOTES

APPROVAL OF THE MINUTES

MOTION MARTUCCIO SECOND SCHUBERT TO APPROVE THE MINUTES OF SEPTEMBER 13, 2021 AS WRITTEN.

SCHUBERT - 2
STANDOHAR
KAY
MARTUCCIO - 1
MOLITERNO
PASSED 5 YES VOTES

CITIZEN COMMENTS

ANNETTE MINNITTI: Hi, I'm Annette Minnitti, 62 Stambaugh Street. I have a few things: Jerry already told me about paving Rush Street, so that's on hold.

Again, we have problems with skunks. I know a couple of years ago when I came down a trapper came down, caught all the skunks. The trapper, I guess, died. So the skunks are really bad again. I have pictures of my front yard. It's nothing but brown and holey. What brings skunks? Debris, junk, living under crap. Our street is very bad.

I have asked before for clean up. We were told it's in court, it's being addressed. It's this. It's that. We live there. I don't know how many of you come down our area, but you can't keep a nice area with rentals that the tenant -- not the tenants. The tenants don't want to take care of it but the owners don't want to take care of it.

So I need to know what can I do? I'm willing to help you guys to help me. I just need something done. I mean, when I leave at 6:30 in the morning to go to work I have to scope out my yard from the front window, side windows, back. Upstairs and downstairs. Because I'm afraid when I go out, I'm going to get skunked. That is how bad they are.

I mean, when you open your windows at 9:00 o'clock at night and they are right there at your window, because they are smelly. So I can't open my windows. I can't run a fan. They come in in the summertime with the air conditioner. How would you guys feel if this was your house? I mean, I don't know what else to do.

We have put down -- we've talked to Frank Migliozi. We've put down the seven granular on both of our properties. They are still coming and feasting. I don't know why, it's just our yard. I mean, there is a couple of other ones but our yard is at the corner. I don't know if they say, hey, there is a party over here. But it's just uncalled for and I don't know what else to do.

MR. PAOLONE: Jerry, you want to take it?

MR. LAMBERT: Annette, I apologize. I didn't know the skunks were back.

MS. MINNITTI: They never left. I mean, there was two that were caught. When you sent the trapper down, we had the police called on us because we were catching skunks.

MR. LAMBERT: Anyways, I'll call the trapper tomorrow and we'll get back down there again and find them.

MS. MINNITTI: I want you guys to please look at the pictures of my yard. I printed pictures. And of houses that nothing is being done. I mean, we have our porch, we have our corner house and we have our rental. Then we have a house next door that is not ours. His front porch is loaded with wood. He doesn't live there. And you know who I'm talking about. And underneath that porch, you guys have told him to clean up. What did he do? He put something over all the wood that is underneath his porch. He's got mounds of wood and dirt.

Same thing with the house diagonal. That house diagonal he doesn't live in either but he has a friend living there that must pay the utilities.

So that brings me to my next thing: So he has somebody living there paying his utilities but he doesn't live there. To me, that is a rental. Has it been listed as a rental? We don't know. Has it been inspected? We don't know. We have said things. We have called. Zoning knocks on their door. Boop, zoning is gone. Zoning drives by every day because they go to the Daily Grind -- we're assuming it's the Daily Grind -- gets their coffee, comes around the block and they see it every day.

You can't call zoning for anything because they tell you they are working on it, they are short-handed, somebody will be out. Nothing gets done.

So then we have a house across the street from us, which is Equity Management. There is a house next to that. Overgrown tree. My husband cuts the lawn and

there is a huge bees' nest there. He got stung. Called, we'll be down. It's over two weeks and nothing. How do we get that bees' nest from that yard, which one house over is children. It's a huge bees' nest.

MR. LAMBERT: Again, not to interrupt you but that is a phone call to me. I know you don't hesitate to call me. I take care of the bees' nests all over town. I'll take care of the skunks when you call. And the houses on Stambaugh, we've been over there many times. If I have to give you the actual court dates that they are going to be in court I can give you all the dates and you can appear.

MS. MINNITTI: I would love it.

MR. LAMBERT: I'll do that tomorrow. That's no big deal.

MS. MINNITTI: You can text it to me.

MR. LAMBERT: Do I have your number? Don't answer that.

MS. MINNITTI: And then the other thing is, I don't know how much you guys know about the rental fees. So we have a rental next to us and it was vacant. My husband was fixing it up from the person that was in there before. So the rental fee is due February I think it is. We didn't pay it because there was nobody in it.

So once it was all fixed up and inspected, they came out. My husband was going to go pay the rental fee and he got charged double because they said we didn't pay it on time. How is that right? No one is living in it. We can't have them come down and inspect it because it was trashed. A rental fee is when somebody is renting it, is it not?

MR. LAMBERT: I think what you're talking about, Annette, though, is that we register the rentals on a yearly basis. Whether people are living in them or not we renew the rental. And again, that's a simple phone call to me and I can explain that.

MS. MINNITTI: Okay. That's fine. That's it.

MR. LAMBERT: I'll call you tomorrow or text you.

MR. PAOLONE: Jerry, you have the floor.

REPORTS OF OFFICERS AND DIRECTORS OF THE CITY

MAYOR JAMES J. MELFI ABSENT

COMMENTS: NONE

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SAFETY/SERVICE DIRECTOR JERRY LAMBERT PRESENT

MR. LAMBERT:

Just a couple of things: The Mayor couldn't be with us tonight because he's doing some contact tracing in regards to his family right now.

He wanted me to relay to the council members that there was a meeting at the Commissioners' Office in regards to transportation throughout the county. And if any citizens have approached any of you in regards to this transportation thing they are talking about -- the countywide one -- he would appreciate any input from you before the next meeting if you could.

The second thing is the well was installed at Liberty Park. They put in a pump just last Friday. They are working now on hooking everything up. We've already talked to the street department. The street department is going to work in conjunction with the sewer plant in regards to running the irrigation line. I'm hoping to wait until after soccer is over. I think it's over October 9, if I'm not mistaken. So we'll probably try to get that in before the end of the year. So by the beginning of next year there will be a watering system for the soccer fields.

The demolition at 15, 15 and a half and 25, counsel can talk about that on his.

Also, if you notice, when you are down at Liberty Park, there was a new pole installed by the electrical building down there. We are working on setting up the camera system in the park. It's going to go from the old bathrooms and it will go all the way to the first set of trees where we used to play ball in the summer school. It will go that far the first time. But it has a good 180 view and we'll be able to see everything.

We're also working on putting a camera system inside Tod Park. Tod Park will be a lot easier than Liberty because there are poles all over the place. There is Internet all over the place and that will be fine.

Also, I gave you a piece of paper in regards to Craver Street in Parkwood. Jim Fetherolf who lives on the property down in that particular area came with the Planning Commission, because one section of Craver is a paper street in Parkwood. If you have a chance -- we'll make sure you get maps of this thing before this thing comes up. But he brought in the maps, and he owns property on both sides of this paper street. And since he takes care of both sides and the part where the paper street is, he would like to have that part vacated and take over if council so deems it and thinks it's worthwhile. Planning Commission already approved it unanimously through nothing. So that falls into your category now. You guys have to ask for that on a public hearing.

As far as Ms. Minnitti, we do have a trapper in town on a regular basis when bees are a problem. The skunks, I just have to be made more aware of it. So we'll see

what we can do about that. And I'll get her all the information she needs in regards to the rental because that will ultimately come through me and she can get all the information from me in regards to the property.

COMMENTS: NONE

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LAW DIRECTOR

BRIAN KREN

PRESENT

MR. KREN:

In regards to the street, I did not hear about it until now but I'll double check. But if the same owner owns both parts, council just needs to pass a regular ordinance. If we don't have consent from all the adjacent property owners, then we have to advertise in the Legal News for at least six weeks. But the only thing is, whenever we vacate these, we need to have a legal description for that area. And sometimes we never have that and we can't get it recorded. So I'll be able to tell when I look at the maps with Jerry. But somebody has to provide that.

COMMENTS:

MR. PAOLONE: Do we need to have a public hearing for that since he owns both sides?

MR. MOLITERNO: Or you just want us to ask for an ordinance?

MR. KREN: Just ask for an ordinance. If it turns out we need to advertise first, then I will.

MR. MOLITERNO: That's fine.

MR. LAMBERT: Because this particular street -- this area of the street -- if I may, Brian -- we're only going to go halfway only because he does own both sides. Just halfway. We figured that -- I don't know whether we talked to you about it or not, but there are different owners for the second half of the street. We figured this would be a lot easier and this would be a simpler way to get this thing done if we just address the one portion he wants. So it's going to go halfway down that particular block.

MR. PAOLONE: You have to see the maps that Jerry is talking about. You guys will understand it. It's pretty cut and dry.

MR. KREN: Are you landlocking the other half?

MR. LAMBERT: No.

MR. KREN: This morning the county court granted an injunction to the Penzas on demo of 25 West Liberty. Only two of the four Penza brothers filed it. I filed a motion to bring in the other two. Friday there is a hearing on continuing the injunction. They are alleging that they didn't get notice on the Board of Health hearing. I know when this all happened during the summer everybody complained that I was giving the Penzas more

time than needed.. But the fact of getting them proper notice is -- there is a reason to some of the stuff I say.

Two ordinances that we'll need, the annual codification of the ordinances, if somebody could request that. And then our contract with the Board of Health has expired so I think we'll need another resolution -- or if council would consider renewing that.

And then finally, not to bring up spilt milk, but in the past we've had a discussion on preparing blank ordinances. I was never given the figure for the treasurer's position so that's why I didn't -- Sam would give me the numbers for the council present. But if somebody gives me the number I'll prepare that for the treasurer's salary for the next meeting.

MR. PAOLONE: Excuse me, didn't you withdraw that because somebody said wait until 2024? I remember you asked and then there was a discussion and somebody said he's not up until --

MR. KAY: He didn't withdraw. He just didn't ask for it for 2021 and 2022.

MR. PAOLONE: I forget how it went down. Then there was a discussion.

MR. KAY: You asked why are you asking for 2024 and then we figured out that was the right year.

MR. PAOLONE: For us. For council. But I don't know about for the treasurer.

MR. LAMBERT: It's two years off.

MR. MOLITERNO: Jeff is right. His election is not for two additional years.

MR. STANDOHAR: The question comes down to, if the ordinance is passed prior to the treasurer's next term -- four-year term -- could he receive a pay raise in the middle of that next term as long as it's passed prior to that term? But can you not accept a raise during your term if it's passed previous to your term?

MR. KREN: If the question is, year one of the next term the pay is going to be this, year two the pay will be that and year four or something to that effect --

MR. KAY: In the same term, yeah.

MR. KREN: -- that is okay. That is what councils' ordinance states.

MR. STANDOHAR: It would be okay for us then to pass an ordinance in 2021 establishing the treasurer's salary in 2024. Is that when we're going to start? In 2024 or 2025, correct?

MR. MOLITERNO: It can't be before that because he's in term.

MR. STANDOHAR: That's what we were just talking about.

MR. SCHUBERT: Passing it mid-term but not taking effect

until the next term.

MR. MOLITERNO: It wouldn't take effect until 2024.

MR. STANDOHAR: You're not passing it mid-term. You're passing it pre-term. It's taking effect --

MR. SCHUBERT: When the next election is done?

MR. STANDOHAR: No.

MR. KAY: Just whenever.

MR. STANDOHAR: He's a four-year term and we're a two-year term.

MR. KREN: The pay scale would have to be set before the term starts. But this isn't legal advice, but if you're doing -- you might as well -- I don't necessarily agree with just waiting for the next term. You're waiting for the last minute to pass it.

MR. PAOLONE: I agree. That's why Sam did it for this one. We just need a date.

MR. KREN: For the next term I just need to know the figure.

MR. PAOLONE: Mark, would you get that for us when the next treasurer term starts for him?

MR. STANDOHAR: Isn't it the same as ours?

MR. KAY: He needs to know the salary.

MR. KREN: The same figures?

MR. STANDOHAR: A dollar more than the minimum required. Would be the same salary then.

MR. LAMBERT: I'm a little bit confused because you guys are not getting one for two more years.

MR. KAY: If it passes.

MR. LAMBERT: And in two years that will be the start -- he will be in the middle of the term.

MR. KREN: It can only go into effect in the next full term.

MR. PAOLONE: You're correct, Brian.

MR. KAY: We have to ask for the correct year.

MR. KREN: I'll be able to figure out the year. I didn't know what the pay was.

MR. PAOLONE: Brian, you still have the floor.

MR. KREN: There is a reason why the Revised Code says the request for legal opinions are supposed to be in writing. Nobody asked me for an opinion at the last meeting. The council couldn't vote on its own raise. Legally you could, but the Ohio Ethics Commission has said that -- already ruled that they can view that as a violation if you're unopposed and you're passing a raise and you know you're locked in for the next term. But if you're passing it for whenever the heck the treasurer's term starts, which is what I assume we're talking about.

MR. STANDOHAR: It would be the same as ours, January 1.

MR. MOLITERNO: Brian, if I understand what you're saying is, because he's not voting on it, we are.

MR. KREN: It has to be voted for and passed before the next treasurer term takes effect.

MR. MOLITERNO: Which would be January 1?

MR. PAOLONE: Of 2026.

MR. LAMBERT: Because this one is too late.

MR. MOLITERNO: It's not. I believe we can't vote on our own raises for this term but he doesn't have a vote. Nor does our president of council.

MR. KREN: Is the treasurer on the ballot right now?

MR. LAMBERT: Yeah.

MR. KREN: You have enough time and I have enough time -- I was not asked to look at this question. But theoretically, council may not be able to vote on its raise for January 1 of 2022. But you may be able to for --

MR. MOLITERNO: 2026.

MR. PAOLONE: This is from the Ohio Ethics Commission. The evidence law prohibits elected officials in statutory cities and villages from receiving an increase in compensation enacted by an ordinance which they know they are entitled to receive by virtue of their reelection but prior to the beginning of their new term.

MR. MOLITERNO: My suggestion is, the question was the dollar figure. The dollar figure is where council will be. And let's give Brian a chance to take a good look at this. We're not going to deal with it tonight anyway. But we'll wait for Brian's opinion. If it has to be 26 then that's what it is. That's fine. I mean, we'll do whatever is appropriate.

MR. KREN: Use the same number.

MR. MOLITERNO: For us.

MR. KAY: I have a question: The building -- about knocking the buildings down, what is our next step on that?

MR. KREN: Everything is on hold right now. There is a hearing Friday to continue the injunction. So ultimately we have to convince the Court that either -- I have no control over the Board of Health's process.

MR. KAY: That was pretty clearly stated a long time ago if I remember right.

MR. SCHUBERT: Do they deliver those notices certified mail?

MR. KREN: It depends on whose notice -- what step are you talking about? The city?

MR. SCHUBERT: Their due process to fix it.

MR. KAY: Whatever they are claiming.

MR. SCHUBERT: They are claiming that we didn't give them enough time, correct?

MR. KREN: No, they are claiming that the Board of Health didn't give them notice on Step 1. But then when I said,

let's give them more, the law says -- we posted it on the building, we published it in the Legal News. They never registered their properties as a vacant property. We have a vacant property registry for us. They never registered the properties so we don't have all of their addresses. We were able to track down two. We were able to get service on at least one, certified mail. The other three came back unclaimed. So I'll have more to report next meeting, if not sooner.

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AUDITOR JULIE COLEMAN PRESENT

MS. COLEMAN:

I have nothing more on finance.

COMMENTS: NONE

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TREASURER MARK ZUPPO ABSENT

COMMENTS: NONE

- - -

FIRE CHIEF JAMES PETRUZZI ABSENT

COMMENTS: NONE

- - -

POLICE CHIEF JOHN NORMAN ABSENT

COMMENTS: NONE

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COMMITTEE REPORTS

FINANCES - MOLITERNO-GRUMLEY-ZIRAFI

MR. MOLITERNO:

No real report. We had a Finance Committee Meeting prior. Our auditor provided us with the updated numbers both from the income tax collections as well as the general numbers. We appreciate everything that's been provided and where we're going and I think as council we're comfortable with.

COMMENTS: NONE

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ECONOMIC DEVELOPMENT - MARTUCCIO-STANDOHAR-MOLITERNO

MS. MARTUCCIO:

I want to thank Mr. Paolone, Mr. Schubert and Mr. Lambert for their help in getting the public mural off the building and into the garage of the owner or the contributor. So I thank you for your work on that. It was very helpful and expedient.

And I also want to tell everyone the Girard Historical Society is having a trash and treasure sale October 8 and 9th. That's a Friday and Saturday. And then partially on Sunday I think they are going to give some tours that day also.

And the Barnhisel House is open for tours May

through December, the 2nd and 4th Sunday of those months from 1:00 to 4:00 p.m. So take some time, it's really interesting to go visit and support our historical society. And shop local. Thank you.

COMMENTS: NONE

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BUILDINGS & GROUNDS - SCHUBERT-MARTUCCIO-STANDOHAR

MR. SCHUBERT:

I'm glad to hear that Tod Park is also getting some cameras with some of the recent vandalism that has been done in the park. So that's a good thing.

COMMENTS: NONE

MR. PAOLONE: Keith, health and safety.

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HEALTH & SAFETY - GRUMLEY-SCHUBERT-KAY

MR. SCHUBERT:

NO REPORT

COMMENTS: NONE

- - -

STREETS SIDEWALKS/EMPLOYEE WELFARE- STANDOHAR-KAY-GRUMLEY

MR. STANDOHAR:

Just a question, Mr. Chairman, I didn't get a chance to ask Jerome. Any update at all on the start date?

MR. LAMBERT: No. I talked to him today and I just told him to give me an update as soon as he possibly can. I think it could be any day, it could be another two weeks, it could be even longer. But I know we have a certain period of time when the contract was made. We had to have the complete job started and finished. If nothing happens within the next two weeks -- I said I got to call you on the 11th because we have to get this done before the weather breaks. But as of today there is no concrete date to start. I'm sorry to say. And I talked to him this morning.

MS. MARTUCCIO: I have a question for streets and sidewalks. At the bottom of Howard and 422, where I believe it was the cable company that did their work, there is a huge divot.

MR. LAMBERT: The Mayor is involved in that. He's been in contact with them.

MS. MARTUCCIO: Thank you.

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UTILITIES - ZIRAFI-MOLITERNO-SCHUBERT

MR. MOLITERNO:

No report on utilities but I was remiss. I had a question for Jerry as well and I forgot on Keith's report. How are we doing on the city gym? Are we making any progress?

MR. LAMBERT: No. The Mayor is involved in that one, too. I know he's talked to Joe and I didn't hear the

MR. PAOLONE: Julie?

MS. COLEMAN: Yes. An ordinance to amend the current year appropriations.

MOTION MOLITERNO SECOND SCHUBERT TO AMEND THE CURRENT YEAR APPROPRIATIONS.

SCHUBERT - 2

STANDOHAR

KAY

MARTUCCIO

MOLITERNO - 1

PASSED 5 YES VOTES

MR. KREN: I have one brief comment, if I may.

MR. PAOLONE: Sure.

MR. KREN: It was two weeks ago that council voted to approve the bids for the demo. We had the final contract review, the bonds and stuff, and then I think Wednesday the administration did issue the Order to Proceed. It's just a matter of waiting for the contractor. Somebody asked me, why did we take so long and why didn't we tear down the building before they had a chance to file anything? But the city did act -- I hate to compliment Jerry but we did act quickly but it was just a matter of getting the asbestos abatement.

And I have no legislature.

MR. PAOLONE: Yes, sir?

MR. STANDOHAR: Can you believe Jerry hasn't gotten that street company to start sooner than October?

MR. PAOLONE: He's usually more powerful.

MR. LAMBERT: I got the guy to at least call me.

MR. PAOLONE: Reminder, next meeting is on Tuesday.

I'll call two special council meetings, Wednesday the 29th at 4:00 o'clock in Jerry's office and Thursday the 30th at 4:00 o'clock in Jerry's office. They will be chaired by John Moliterno.

ADJOURNMENT

MOTION SCHUBERT SECOND MARTUCCIO FOR ADJOURNMENT OF THE MEETING OF SEPTEMBER 27, 2021.

SCHUBERT 1

STANDOHAR

KAY

MARTUCCIO 2

MOLITERNO

PASSED 5 YES VOTES

REYNALD J. PAOLONE,
PRESIDENT OF COUNCIL

KELLY HAASE,
ALTERNATE CLERK OF COUNCIL