

**5:45pm – Public Hearing – Conditional Use Request (Fifth & Spring, LLC)**

**6:20pm – Executive Session – Legal, 5<sup>th</sup> & Spring, LLC**

**ELLWOOD CITY BOROUGH COUNCIL  
REGULAR MEETING – 6:00 P.M. – COUNCIL CHAMBERS  
May 15, 2023**

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**MINUTES**

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**CALL TO ORDER**

President George Celli called the meeting to order.

**ROLL CALL**

Present: Mr. Barry, Mr. Cragle, Ms. Dici (via phone), Ms. Lamenza, Mr. Ovia, Ms. Williams, and Mr. Celli

Also Present: Borough Manager Kevin Swogger, Mayor Anthony Court, Solicitor Ed Leymarie, and Kaden Schlichtkrull (Jr. Councilperson)

**INVOCATION** – Tod Custer, Christ Presbyterian Church

**PLEDGE OF ALLEGIANCE**

**VISITORS**

None

**COMMUNICATIONS**

**APPROVAL OF MINUTES:**

Regular Meeting 4/17/23

A motion was made by Mr. Barry, seconded by Ms. Williams, to approve the Minutes of the Regular Meeting held 4/17/23, as submitted. Voice vote; all in favor. Motion carried.

**APPROVAL OF VOUCHERS:**

Pre-Paid Voucher List 5/9/23 and List of Vouchers to be Paid dated 5/9/23

A motion was made by Mr. Barry, seconded by Ms. Lamenza, to approve the Pre-Paid Voucher List dated 5/9/23, in the amount of \$478,120.28, and the List of Vouchers to be Paid dated 5/9/23, in the amount of \$168,370.69. Roll call vote; all in favor. Motion carried.

**DEPARTMENTAL REPORTS:**

A motion was made by Ms. Dici, seconded by Mr. Barry, to approve the Departmental Reports, as submitted. Voice vote; all in favor. Motion carried.

**BID OPENINGS**

**ORDINANCES**

1. Repeal Ordinances #2603, 2604, 2605 & Establish No Parking on Glen Avenue  
A motion was made by Ms. Williams, seconded by Mr. Barry, to adopt an Ordinance, as submitted, repealing Ordinances #2603, 2604, 2605 and establishing No Parking on Glen Avenue (south side) from 5<sup>th</sup> Street to a point 197' west. Roll call vote; all in favor. Motion carried.

## RESOLUTIONS

### 1. Lawrence Co. Liquid Fuel Tax Funds

A motion was made by Ms. Williams, seconded by Mr. Barry, to adopt a Resolution, as submitted, authorizing the submission of an application to Lawrence County for an allocation of County Liquid Fuels Tax Funds. The amount requested is \$52,774.03 representing cost overruns from a CDBG2021 paving project, specifically on 7<sup>th</sup> Street (Wayne to Woodland), Woodland (7<sup>th</sup> to 6<sup>th</sup> St), Park Avenue (7<sup>th</sup> to 8<sup>th</sup> St), Bell Avenue (8<sup>th</sup> to 9<sup>th</sup> St) and 10<sup>th</sup> Street (Beaver to Center). Roll call vote; all in favor. Motion carried.

## APPOINTMENTS/RESIGNATIONS

## COMMITTEES OF COUNCIL

### Finance: (Williams, Lamenza, Dici)

### Health/Public Safety: (Ovial, Lamenza, Cragle)

### Public Works: (Barry, Williams, Ovial)

#### 1. Approve Quote – LandPro Equipment OR M&R Power Equipment

A motion was made by Mr. Barry, seconded by Ms. Williams to approve either:

the quote from LandPro Equipment in the amount of \$12,558.50 (Costar pricing) for a 2022 John Deere Z930M zero turn mower. This amount will be paid from the General Fund (\$8000) and the General Capital Reserve Fund (\$4558.50).

\*OR\*

the quote from M&R Power Equipment in the amount of \$13,802 (Costar pricing) for a 2023 Exmark zero turn mower. This amount will be paid from the General Fund (\$8000) and the General Capital Reserve Fund (\$5802).

Roll call vote. All voted in favor of the LandPro Equipment quote. Motion carried.

#### 2. Approve Quote – Rehrig Pacific Company (Recycling Carts)

A motion was made by Mr. Lamenza, seconded by Mr. Cragle, to approve the quote from Rehrig Pacific Company in the amount of \$13,522.80 (State Contract pricing) for 180 recycling carts. This amount will be paid from the Recycling Fund. Roll call vote; all in favor. Motion carried.

#### 3. Approve Quote – Andy Byler – Repairs to Salt Storage Building

A motion was made by Mr. Barry, seconded by Mr. Ovial, to approve the quote from Andy Byler in the amount of \$6750 for repairs to the salt storage building roof (1210 Factory Avenue). This amount will be paid from the General Fund. Roll call vote; all in favor. Motion carried.

### Utilities: (Dici, Barry, Williams)

### Parks/Recreation: (Cragle, Lamenza, Barry)

#### 1. EC Cheerleaders – Color Run

A motion was made by Mr. Cragle, seconded by Ms. Williams, to approve the request by the EC Cheerleaders to hold their annual 5K Color Walk/Run on August 12 from 9:30am to 12pm in Ewing Park. Voice vote; all in favor. Motion carried.

2. Approve Quote – F&V Fireworks

A motion was made by Ms. Dici, seconded by Mr. Barry, to approve the quote from F&V Fireworks in the amount of \$6000 for fireworks during the Arts, Crafts, & Food Festival. This amount will be paid from the L&N Fund.

After a brief discussion, a motion to table this item was made by Ms. Williams. Roll call vote. All voted against, except Mr. Cragle, Mr. Ovia and Ms. Williams. Motion failed, 4-3.

Roll call on the original motion. All voted against. Motion failed.

3. Field Request – EC Fastpitch (Time Travelers)

A motion was made by Mr. Cragle, seconded by Ms. Lamenza, to approve the request by the EC Fastpitch (Time Travelers) to use Merit Book from August 4 – December 31, Mondays, Wednesdays, Fridays, and Saturdays from 4-8pm. Voice vote; all in favor. Motion carried.

**Administration/Personnel: (Lamenza, Ovia, Cragle)**

1. Employment – Playground & Parks

A motion was made by Mr. Barry, seconded by Ms. Williams, to approve the employment of the following individuals for summer work, contingent upon satisfactory background checks/clearances:

Amber Fitzgerald	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Benjamin Pesce	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Ashleigh Ionta	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Reed Angelucci	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Makinley Magill	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Gianna DiCerbo	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Mary Houk	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Giavanna DeBlasio	Playground	\$12.00/hr	Child Abuse, Criminal History, Fingerprint
Shane Tillia	Parks	\$12.00/hr	Criminal History, Driver's History

Voice vote; all in favor. Motion carried.

2. Employment – Laborer III (part-time) (Public Works)

A motion was made by Mr. Cragle, seconded by Ms. Dici, to approve the employment of Ralph Richardson as a part-time Laborer III in the Public Works Department at the rate of \$15.00/hour. Roll call vote; all in favor. Motion carried.

3. Employment – School Crossing Guard

*This item was pulled from the Agenda.*

4. Policy – Social Media

*This item was pulled from the Agenda.*

5. Borough Insurance Policies  
A motion was made by Mr. Cragle, seconded by Ms. Lamenza, to approve the proposal submitted by HUB/HDH Group to provide the following insurance coverages: Package policy (property, equipment breakdown, inland marine, crime, general liability, auto, excess liability)(MRM Property & Liability Trust) \$132,686, Professional Liability (public officials liability/employment practices liability)(Greenwich Insurance Co) \$9,517, Police Professional Liability (Greenwich Insurance Co.) \$8,665. These amounts will be split between the General, Electric, and Sewage Funds. Roll call vote; all in favor. Motion carried.
6. Revolving Loan Fund Application – Red Hot Restaurant  
A motion was made by Mr. Barry, seconded by Ms. Dici, to approve the Revolving Loan Application submitted by John Katsadas (Red Hot Restaurant) for \$31,000 to replace the roof, install new gutters, downspouts, soffit and fascia for the property located at 219 Sixth Street. Roll call vote; all in favor. Motion carried.
7. Employment – Antonio Romano – Part-time Firefighter  
A motion was made by Mr. Cragle, seconded by Ms. Dici, to approve the employment of Antonio Romano as a part-time firefighter at the rate of \$16.83/hour. Roll call vote; all in favor. Motion carried.
8. Advertise Employment – Animal Control Officer  
A motion was made by Ms. Lamenza, seconded by Mr. Oviai, to advertise for the position of Animal Control Officer. Voice vote; all in favor. Motion carried.
9. Advertise Employment – Park Manager  
A motion was made by Mr. Cragle, seconded by Mr. Oviai, to advertise for the position of Park Manager. Voice vote; all in favor. Motion carried.

**Community Development/Buildings: (Oviai, Barry, Cragle)**

1. Conditional Use – Fifth and Spring, LLC  
It has been determined the location of the proposed Dunkin' Fast Food Restaurant at Fifth Street and Spring Avenue is an area subject to high traffic and traffic congestion. It is believed changes need to be made to create a safe and good flow of traffic.

Therefore, a motion was made by Ms. Williams, seconded by Mr. Cragle, to approve the request by Fifth and Spring, LLC to have a Dunkin' Fast Food Restaurant with a drive-thru at the intersection of Fifth Street and Spring Avenue which is a Conditional Use in a C-3: Gateway North Zoning District. This approval is contingent upon the following conditions: 1) no egress permitted onto Fifth Street from the Dunkin' parking lot, 2) right hand turn only from the drive-thru lane onto Fifth Street, and 3) move curbside pickup spot to the middle of the parking lot.

An amendment to the motion was made by Mr. Cragle, seconded by Ms. Williams to approve the request by Fifth and Spring, LLC to have a Dunkin' Fast Food Restaurant with a drive-thru at the intersection of Fifth Street and Spring Avenue which is a Conditional Use in a C-3: Gateway North Zoning District. This approval is contingent upon the following conditions: 1) no egress permitted onto Fifth Street from the Dunkin' parking lot, 2) allow left and right hand turn from the drive-thru lane onto Fifth Street, and 3) move curbside pickup spot to the middle of the parking lot. Roll call vote; all in favor. Motion carried.

Roll call vote on the amended motion. All in favor. Motion carried.

2. Land Development – Fifth and Spring, LLC  
A motion was made by Ms. Williams, seconded by Mr. Oviai, to approve the request by Fifth and Spring, LLC to build a 2,060 square foot Dunkin' Fast Food Restaurant at the intersection of Fifth Street and Spring Avenue. Voice vote; all in favor. Motion carried.
3. Subdivision Application – Fifth and Spring, LLC  
A motion was made by Mr. Cragle, seconded by Mr. Barry, to approve the request by Fifth and Spring, LLC to convert four (4) properties into one (1) buildable lot for a Dunkin' Fast Food Restaurant at the intersection of Fifth Street and Spring Avenue. Roll call vote; all in favor. Motion carried.

**Blight: (Dici, Oviai, Barry)**

**Technology: (Cragle, Williams, Dici)**

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

1. Permission to Add – Resignation Justin Deyber (PT Firefighter)  
A motion was made by Mr. Cragle, seconded by Ms. Williams, to add accepting the resignation of a part-time Firefighter to the agenda. Voice vote; all in favor. Motion carried.
2. Resignation – Justin Deyber (PT Firefighter)  
A motion was made by Ms. Lamenza, seconded by Mr. Cragle, to accept the resignation of Justin Deyber, part-time Firefighter, effective immediately. Voice vote; all in favor. Motion carried.

## **MAYOR'S REPORT**

## **MANAGER'S REPORT**

## **ANNOUNCEMENTS**

## **VISITORS**

## **ADJOURNMENT**

There being no further business, the meeting adjourned on a motion by Ms. Lamenza, seconded by Mr. Oviai. Voice vote; all in favor. Motion carried.

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Linda M. List  
Borough Secretary