

# AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO  
82 OHLTOWN ROAD  
AUSTINTOWN, OH 44515

## REGULAR MEETING OF DECEMBER 14, 2015

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, December 14, 2015, at the Township Hall, 82 Ohltown Road, Austintown, Ohio.

The meeting opened at 5:00 P.M.

**RESOLUTION #15-12-14-01:** Motion by Mr. Stauffer to RECESS to Executive Session to consider the appointment, employment, discipline, or compensation of public employees.

Mr. Carano seconded the motion. Roll Call: Mr. Carano, yes; Mr. Stauffer, yes; and Mr. Davis, yes.

**RESOLUTION #15-12-14-02:** Motion by Mr. Carano to RECONVENE from Executive Session. Mr. Stauffer seconded the motion. Roll Call: Mr. Stauffer, yes; Mr. Davis, yes and Mr. Carano, yes.

The Regular meeting opened at 6:00 P.M. with a salute to the flag led by Chairperson James C. Davis. Roll Call was as follows: Mr. Davis, present; Mr. Carano, present; and Mr. Stauffer, present.

Mr. Davis introduced the Board Members, Department Heads, and Sergeant at Arms.

**RESOLUTION #15-12-14-03:** Motion by Mr. Stauffer to approve the Minutes of the Regular Meeting of November 23, 2015 and Special Meeting of December 1, 2015. Mr. Carano seconded the motion. Roll Call: Mr. Davis, yes; Mr. Carano, yes; and Mr. Stauffer, yes.

### DEPARTMENT BUSINESS

#### ROAD DEPARTMENT

Monthly Report of November 2015 was received

**RESOLUTION #15-12-14-04:** Motion by Mr. Carano to authorize Michael

Dockry, Township Administrator to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as Required. Mr. Stauffer seconded the motion. Roll Call: Mr. Carano, yes; Mr. Stauffer, yes; and Mr. Davis, yes.

**POLICE DEPARTMENT**

Monthly Report of November 2015 was received

**FIRE DEPARTMENT**

Monthly Report of November 2015 was received

**ZONING DEPARTMENT**

**RESOLUTION #15-12-14-05:** Motion by Mr. Stauffer to approve the minutes of the public hearing held on November 23, 2015 for final determination of Amendment 2015-03-Z (see attached). Mr. Carano seconded the motion. Roll Call: Mr. Stauffer, yes; Mr. Davis, yes; and Mr. Carano, yes.

Monthly Report of November 2015 was received

**RESOLUTION #15-12-14-06:** Motion by Mr. Stauffer to approve the following:

**RESOLUTION**

The Board of Trustees of Austintown Township, Mahoning County, Ohio, meeting on Monday, December 14, 2015, did adopt the following Resolution:

**WHEREAS:** The Board of Trustees of Austintown Township has determined that the following properties constitute a nuisance pursuant to Ohio Revised Code 505.87:

**87 Idaho Road  
Parcel No. 48-015-0-044.000  
Above-ground pool with stagnant water.**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Austintown Township that the above constitutes a nuisance and the property owners are hereby **ORDERED** to abate, control, or remove said nuisances:

If said nuisances is not abated, controlled or provision for its abatement, control, or removal is not made within **SEVEN (7) DAYS** from the below date of adoption, the **BOARD OF TRUSTEES** will provide for the abatement, control, or removal, and any expenses incurred-**\$500 minimum**-by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.

Mr. Carano seconded the motion. Roll Call: Mr. Davis, yes; Mr. Carano, yes and Mr. Stauffer, yes.

**RESOLUTION #15-12-14-07:** Motion by Mr. Carano to find the following motor vehicle meets all of the following criteria: 1) Three model years or older; 2) Apparently inoperable; and 3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission and to declare the following vehicles public nuisances under Ohio Revised Code 505.871 and order the removal of the junk vehicle within 14 days after noticed is served to the property owner:

**5192 Mahoning Avenue:** An inoperable grayish blue Chevrolet Traverse with an expired license plate (FRR 5802) parked in an exposed manner at the east side of the vacant commercial building.

Mr. Stauffer seconded the motion. Roll Call: Mr. Carano, yes; Mr. Stauffer, yes; and Mr. Davis, yes.

**RESOLUTION #15-12-14-08:** Motion by Mr. Carano to schedule a public hearing to be conducted by the Board of Trustees for final determination of Amendment 2015-04-Z on Monday, January 4, 2016 at 6:00 P.M., pursuant to Letter of Certification dated December 4, 2015 from the Austintown Township Zoning Commission - (see attached).

Mr. Stauffer seconded the motion. Roll Call: Mr. Stauffer, yes; Mr. Davis, yes; and Mr. Carano yes.

## **PARK DEPARTMENT**

Monthly Report of November 2015 was received

Park Supervisor, Todd Shaffer reminder of the Christmas tree recycling program at the park from December 26, 2015 through January 31, 2016

## **SENIOR CENTER**

Monthly Report of November 2015 was received

Senior Center Director, Jim Henshaw stated there is an overwhelming interest in the new Fencing Class at the Center

**FISCAL OFFICER**

Board accepted November Reports from Fiscal Officer for review; Fund Status, Revenue Status and Appropriation Status

**NEW BUSINESS**

**RESOLUTION #15-12-14-09:** Motion by Mr. Carano to approve ADVANCE from General Fund (1000) to:

1. \$50,000 to Road & Bridge (2031)

Mr. Stauffer seconded the motion. Roll Call: Mr. Davis, yes; Mr. Carano, yes; and Mr. Stauffer, yes.

**RESOLUTION #15-12-14-10:** Motion by Mr. Stauffer to approve repayment of Advances to General Fund from the following accounts; \$1,190,000.00 from Police (2081), \$45,000.00 from Permissive Motor Vehicle License Tax (2231), \$3,000.00 from Public Works (4401), \$40,000.00 from Park (2171), \$76,681.00 from Lighting District (4501), \$40,000.00 from Gasoline Tax (2021), \$115,000.00 from Maintenance (6001), \$330,000.00 from Communications (6002), \$50,000.00 from MVLETF DLE (2913), and \$6,000.00 from HIDTA (2907).

Mr. Carano seconded the motion. Roll Call: Mr. Carano, yes; Mr. Stauffer, yes; and Mr. Davis, yes.

**RESOLUTION #15-12-14-11:** Motion by Mr. Carano to change the time for the Wednesday, December 23<sup>rd</sup>, 2015 meeting from Noon to 4:30 P.M.

Mr. Stauffer seconded the motion. Roll Call: Mr. Stauffer, yes; Mr. Davis, yes; and Mr. Carano, yes.

**RESOLUTION #15-12-14-12:**

**A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION  
ORC 5705.19, ORC 5705.191, ORC 5705.192, ORC 5705.25, ORC 5705.26**

The Board of Trustees of Austintown Township, Mahoning County, Ohio met in Regular Session on the 14th day of December, 2015, at 6:00 PM at 82 Ohltown Road, Austintown Township, Mahoning County Ohio, 44515, with the following members present:

James C. Davis  
Kenneth A. Carano  
Richard A. Stauffer

**MINUTES – MEETING OF DECEMBER 14, 2015**

**PAGE 5**

Mr. Carano moved the adoption of the following Resolution:

**WHEREAS**, on the 14th day of December, 2015, this Board adopted a resolution determining to submit to the electors of Austintown Township, the question of levying a tax in excess of the ten-mill limitation, as described below, a copy of which resolution was certified to the County Auditor of Mahoning County; and

**WHEREAS**, the County Auditor has certified to this Board that the total current tax valuation of Austintown Township is **\$614,954,900.00** and the dollar amount of revenue that will be produced annually by the millage stated below would be **\$842,977.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Austintown Township Board of Trustees of Mahoning County, Ohio, that:

Section 1. This Board has determined that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation.

Section 2. This Board desires and determines to proceed with the submission to the electors of the question of levying a tax in excess of the ten-mill limitation for the benefit of Austintown Township, Mahoning County, Ohio, pursuant to ORC 5705.19(G), for the purpose of Resurfacing and Repair of Roads, at a rate not exceeding one and a half (1.5) mills for each one dollar of valuation, which amounts to fifteen cents (\$0.15) for each hundred dollars of taxable valuation for five years and which levy is a renewal of an existing levy of one and a half (1.5) mills.

Section 3. The question of approving the levy shall be submitted to the electors of Austintown Township at the Primary election to be held on the 15th day of March, 2016, and that said levy be placed on the tax lists, commencing in tax year 2016, first due in the calendar year 2017, in compliance with the provisions of ORC 5705.34, if a majority of the electors voting thereon vote in favor thereof.

Section 4. The Fiscal Officer of this Board is directed to certify a copy of this resolution to the Board of Elections of Mahoning County, Ohio, not less than ninety days before the election, and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

Section 5. It is found and determined that all formal actions of this Board concerning and relating to the adopting of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public, in compliance with law.

**MINUTES – MEETING OF DECEMBER 14, 2015**

**PAGE 6**

Mr. Stauffer seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

	<u><b>AYE</b></u>	<u><b>NAY</b></u>
<b>Mr. Kenneth A. Carano</b>	<u>  <b>X</b>  </u>	_____
<b>Mr. Rick Stauffer</b>	<u>  <b>X</b>  </u>	_____
<b>Mr. James C. Davis</b>	<u>  <b>X</b>  </u>	_____

**ADOPTED the 14<sup>th</sup> day of December, 2015.**

**RESOLUTION #15-12-14-13:**

**A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION  
ORC 5705.19, ORC 5705.191, ORC 5705.192, ORC 5705.25, ORC 5705.26**

The Board of Trustees of Austintown Township, Mahoning County, Ohio met in Regular Session on the 14th day of December, 2015, at 6:00 PM at 82 Ohltown Road, Austintown Township, Mahoning County Ohio, 44515, with the following members present:

James C. Davis  
Kenneth A. Carano  
Richard A. Stauffer

Mr. Stauffer moved the adoption of the following Resolution:

**WHEREAS**, on the 14th day of December, 2015, this Board adopted a resolution determining to submit to the electors of Austintown Township, the question of levying a tax in excess of the ten-mill limitation, as described below, a copy of which resolution was certified to the County Auditor of Mahoning County; and

**WHEREAS**, the County Auditor has certified to this Board that the total current tax valuation of Austintown Township is **\$614,954,900.00** and the dollar amount of revenue that will be produced annually by the millage stated below would be **\$294,582.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Austintown Township Board of Trustees of Mahoning County, Ohio, that:

**MINUTES – MEETING OF DECEMBER 14, 2015**

**PAGE 7**

Section 1. This Board has determined that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation.

Section 2. This Board desires and determines to proceed with the submission to the electors of the question of levying a tax in excess of the ten-mill limitation for the benefit of Austintown Township, Mahoning County, Ohio, pursuant to ORC 5705.19(H), for PARKS AND RECREATIONAL purposes, at a rate not exceeding eight tenths (0.8) mill for each one dollar of valuation, which amounts to eight cents (\$0.08) for each hundred dollars of taxable valuation for five years and which levy is a renewal of an existing levy of eight tenths (0.8) mill.

Section 3. The question of approving the levy shall be submitted to the electors of Austintown Township at the Primary election to be held on the 15th day of March, 2016, and that said levy be placed on the tax lists, commencing in tax year 2016, first due in the calendar year 2017, in compliance with the provisions of ORC 5705.34, if a majority of the electors voting thereon vote in favor thereof.

Section 4. The Fiscal Officer of this Board is directed to certify a copy of this resolution to the Board of Elections of Mahoning County, Ohio, not less than ninety days before the election, and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

Section 5. It is found and determined that all formal actions of this Board concerning and relating to the adopting of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public, in compliance with law.

Mr. Carano seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

	<u>AYE</u>	<u>NAY</u>
<b>Mr. Kenneth A. Carano</b>	<u>  X  </u>	_____
<b>Mr. Rick Stauffer</b>	<u>  X  </u>	_____
<b>Mr. James C. Davis</b>	<u>  X  </u>	_____

**ADOPTED the 14th day of December, 2015.**

**RESOLUTION #15-12-14-14:**

**A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO  
THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS  
OF THE TEN-MILL LIMITATION  
ORC 5705.19, ORC 5705.191, ORC 5705.192, ORC 5705.25, ORC 5705.26**

The Board of Trustees of Austintown Township, Mahoning County, Ohio met in Regular Session on the 14th day of December, 2015, at 6:00 PM at 82 Ohltown Road, Austintown Township, Mahoning County Ohio, 44515, with the following members present:

James C. Davis  
Kenneth A. Carano  
Richard A. Stauffer

Mr. Carano moved the adoption of the following Resolution:

**WHEREAS**, on the 14th day of December, 2015, this Board adopted a resolution determining to submit to the electors of Austintown Township, the question of levying a tax in excess of the ten-mill limitation, as described below, a copy of which resolution was certified to the County Auditor of Mahoning County; and

**WHEREAS**, the County Auditor has certified to this Board that the total current tax valuation of Austintown Township is **\$614,954,900.00** and the dollar amount of revenue that will be produced annually by the millage stated below would be **\$306,483.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Austintown Township Board of Trustees of Mahoning County, Ohio, that:

Section 1. This Board has determined that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation.

Section 2. This Board desires and determines to proceed with the submission to the electors of the question of levying a tax in excess of the ten-mill limitation for the benefit of Austintown Township, Mahoning County, Ohio, pursuant to ORC 5705.19(Y), for the purpose of providing or maintaining senior citizen services or facilities as authorized by section 505.70 or 505.706 of the Revised Code, at a rate not exceeding a half (0.5) mill for each one dollar of valuation, which amounts to five cents (\$0.05) for each hundred dollars of valuation for a period of five years and which levy is a renewal of an existing levy of a half (0.5) mill.

**MINUTES – MEETING OF DECEMBER 14, 2015**

**PAGE 9**

Section 3. The question of approving the levy shall be submitted to the electors of Austintown Township at the Primary election to be held on the 15th day of March, 2016, and that said levy be placed on the tax lists, commencing in tax year 2016, first due in the calendar year 2017, in compliance with the provisions of ORC 5705.34, if a majority of the electors voting thereon vote in favor thereof.

Section 4. The Fiscal Officer of this Board is directed to certify a copy of this resolution to the Board of Elections of Mahoning County, Ohio, not less than ninety days before the election, and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

Section 5. It is found and determined that all formal actions of this Board concerning and relating to the adopting of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public, in compliance with law.

Mr. Stauffer seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

	<u>AYE</u>	<u>NAY</u>
Mr. Kenneth A. Carano	<u>  X  </u>	<u>      </u>
Mr. Rick Stauffer	<u>  X  </u>	<u>      </u>
Mr. James C. Davis	<u>  X  </u>	<u>      </u>

**ADOPTED the 14<sup>th</sup> day of December, 2015.**

**PUBLIC RESPONSE**

**OFF CAMERA:**

Steve Terlecki - 5600 Cider Mill Crossing: Asked Board if there were any homeless shelters in Austintown? No, there are not  
Asked if you are allowed to shoot a gun in Austintown? Yes. The only way to change this is to levy the state law makers.

**ON CAMERA:**

Gary Brandt – 5398 Pinecrest Ave: Levy for Senior Center in March, 2016. Thanked Jim Henshaw for what he’s done with the Center and spoke in support of the Senior Center as well as ALL the upcoming Levies.

**REMARKS FROM THE BOARD MEMBERS**

**FISCAL OFFICER LAURA L. WOLFE:**

Thanked Joyce Pogany for her dedication to Austintown and for the fabulous tree lighting ceremony. Enjoyed watching Santa arrive on the fire truck. Thanked the AJWL as well as the Fire Dept. for their hard work and wonderful cookies.

**TRUSTEE KENNETH A. CARANO:**

Mentioned the 29<sup>th</sup> tree lighting ceremony  
Congratulated Joe & Patti Brooks on their 50<sup>th</sup> Wedding Anniversary  
Congratulations to the schools for saving energy on the new buildings.  
Noted a Press Release on Thursday, December 17, 2015 at the Wedgewood Pizza @ 10:30 to announce anonymous donations of \$500.00 to the Rescue Mission and \$500.00 to the St. Vincent de Paul's Society  
Wished all a Merry Christmas!

**TRUSTEE JAMES C. DAVIS:**

Thanked Joyce Pogany, AJWL, Park Dept and the Fire Dept. for their efforts in the Christmas tree lighting ceremony. Witnessed in Giant Eagle, a lady with 3 children – a young couple handed her an envelope with \$100.00 Giant Eagle gift card. Wished everyone a Merry Christmas – Happy New Year! Enjoy the holidays with your family & friends.

**TRUSTEE RICHARD A. STAUFFER:**

Mentioned the Christmas tree – lighting; was a great event. Thanked Joyce Pogany, AJWL and the Fitch Band. Thanked Jim Henshaw & Carol Ricker for the invitation to the Senior Center's Christmas Party. Noted the Levies are Renewals – no additional monies, do your homework and support Austintown.

Veteran's Organizations – DAV have an office in the Senior Center – Looking for storage space for food for their monthly donations

**RESOLUTION #15-12-14-15:** Motion by Mr. Stauffer to recess into Executive Session at 6:50 P.M. to consider the appointment, employment, discipline or compensation of public employees.

Mr. Carano seconded the motion. Roll Call: Mr. Davis, yes; Mr. Carano, yes; and Mr. Stauffer, yes.

**RESOLUTION #15-12-14-16:** Motion by Mr. Carano to Reconvene from Executive session at 8:40 P.M. Mr. Stauffer seconded the motion. Roll Call: Mr. Carano, yes; Mr. Stauffer, yes; and Mr. Davis, yes.

**RESOLUTION #15-12-14-17:** Motion by Mr. Stauffer to adjourn at 8:45 P.M. Mr. Carano seconded the motion. Roll Call: Mr. Stauffer, yes; Mr. Davis, yes; and Mr. Carano, yes.

This is to certify that the foregoing is an accurate record of the proceedings of the board of township trustees at its meeting held on the date listed above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Fiscal Officer

Approved:

\_\_\_\_\_  
Chairperson Board of Trustees