

AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO
82 OHLTOWN ROAD
AUSTINTOWN, OH 44515

REGULAR MEETING OF JUNE 13, 2016

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, June 13, 2016, at Town Hall, 82 Ohltown Road, Austintown, Ohio.

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

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

RESOLUTION #16-06-13-01: Motion by Mr. Stauffer to APPROVE Minutes of the Regular Meeting of May 23, Zoning Public Hearing of Amendment 2016-04-Z and Special Meeting of June 6, 2016.

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

RESOLUTION #16-06-13-02: Motion by Mr. Davis to hire David Potkonicky as full time Police Officer.

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

Oath given by Fiscal Officer, Laura L. Wolfe to Officer David Potkonicky.

RESOLUTION #16-06-13-03: Motion by Mr. Stauffer to hire part time Firefighter Lieutenant Thomas Metzinger to full time.

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

Oath given by Fiscal Officer, Laura L. Wolfe to Lieutenant Metzinger.

RESOLUTION #16-06-13-04: Motion by Mr. Davis to approve the promotion of Lieutenant Tom O'Hara to Captain.

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

RESOLUTION #16-06-13-05: Motion by Mr. Stauffer to approve the promotion of Firefighter David Schertzer to Lieutenant.

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

RESOLUTION #16-06-13-06: Motion by Mr. Davis to approve the promotion of part time Firefighter Mike McNally to lieutenant @ Station #3

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

Oath given by Fiscal Officer Laura L. Wolfe to Captain Tom O’Hara and Lieutenant David Schertzer.

DEPARTMENT BUSINESS

ROAD DEPARTMENT

May 2016 Monthly report received.

POLICE DEPARTMENT

May 2016 Monthly report received.

Presentation made by Mark Skowron on Police initiatives.

FIRE DEPARTMENT

May 2016 Monthly report received.

RESOLUTION #16-06-13-07: Motion by Mr. Stauffer to approve contract for the purchase of a new 162’ Stainless Steel Body Firetruck mounted on a KME Predator Panther MFD custom chassis with a 450hp Diesel engine Allison 3000 EVS transmission, 1500 GPM single-stage pump and 970 gallon water tank and other accessories, from Kovatch Mobile Equipment Corp. (KME) for the sum of \$430,258.

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

ZONING DEPARTMENT

May 2016 Monthly report received.

RESOLUTION #16-06-13-08: Motion by Mr. Stauffer to approve the following:

RESOLUTION

The Board of Trustees of Austintown Township, Mahoning County, Ohio, meeting on Monday, June 13, 2016, did adopt the following Resolution:

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

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:

146 Aldrich
Parcel No. 48-065-0-125.000
High grass and weeds in rear;

2531 Amberly Street
Parcel No. 48-004-0-154.000
High grass and weeds, picnic table in disrepair, a used tire and a broken bike in front yard;

2449 Amberly Street
Parcel No. 48-004-0-144.000
High grass and weeds; junk and debris;

2455 Amberly Street
Parcel No. 48-004-0-145.000
Junk and debris throughout the yard

2914 Bainbridge Street
Parcel No. 48-002-0-170.000
High grass and weeds;

2493 Birchwood
Parcel No. 48-109-0-159.000
High grass and weeds;

5543 Barkley
Parcel No. 48-029-0-099.000
High grass and weeds;

4458 Burkey Road
Parcel No. 48-114-0-119.000
Above ground pool with stagnate water;

4565 Burkey Road
Parcel No. 48-114-0-030.000
High grass and weeds;

208 North Beverly Avenue

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**Parcel No. 48-024-0-150.000
High grass and weeds;**

**3835 Cumberland Drive
Parcel No. 48-007-0-103.000
High grass and weeds;**

**2491 Deborah Court
Parcel No. 48-004-0-192.000
Junk and debris throughout the property and an above-ground pool with
stagnate water;**

**40 North Edgehill
Parcel No. 48-025-0-297.000
High grass and weeds and junk and debris;**

**21 Evans Avenue
Parcel No. 48-027-0-245.000
High grass and weeds behind detached garage;**

**142 Fair Meadow
Parcel No. 48-096-0-174.000
High grass and weeds;**

**204 First Street
Parcel No. 48-009-0014
High grass, weeds, and trash;**

**1532 Hasty
Parcel No. 48-020-0-027.000
High weeds at right of way;**

**90 Forest Hill Dr.
Parcel No. 48-010-0-233.000
High grass and weeds;**

**106 Forest Hill Drive
Parcel No. 48-010-0-200.000
Basement windows unsecured;**

**250 Forest Hill Drive
Parcel No. 48-009-0-163.000
High grass and weeds;**

**445 Forest Hill
Parcel No 48-008-0-294.000**

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Junk and debris on rear porch and at rear property;

3816 Kirk Road

Parcel No. 48-002-0-227.000

High grass and weeds around structure and yard;

227 South Main Street

Parcel No. 48-012-0-151.000

High grass and weeds, junk and debris within rear yard a pile of mulch on front driveway;

4801 Mahoning Avenue

Parcel No. 48-015-0-088.000

Weeds around rear enclosure;

5459 Mahoning Avenue

Parcel No. 48-017-0-041.000

High grass and weeds at center of property;

5231 New Road

Parcel No. 48-020-0-010.010

High grass and weeds;

4297 Nottingham Avenue

Parcel No. 48-104-0-161.000

Fence in dilapidated condition and shed door in disrepair;

3867 Oakleigh (2 lots)

Parcel No. 48-010-0-185.000

High grass and weeds;

4344 Pembroke Road

Parcel No. 48-080-0-041.000

High grass and weeds;

4786 Pine Trace Drive

Parcel No. 48-107-0-078.000

High grass and weeds within the rear yard along the fence line;

1751 South Raccoon (Townhouse Complex)

Parcel No. 48-108-0-056.010

High grass and weeds;

245 South Raccoon Road

Parcel No. 48-012-0-005.000

High grass and weeds on easterly rear yard;

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**4985 East Radio Road
Parcel No. 48-032-0-109.000
High grass and weeds and fence in disrepair;**

**43 South Roanoke Avenue
Parcel No. 48-011-0-143.000
High grass and weeds;**

**120 S Roanoke Ave
Parcel No. 48-011-0187.000
High grass and weeds**

**203 South Roanoke Avenue
Parcel No. 48-012-0-260.000
High grass and weeds;**

**167 Rosemont Avenue
Parcel No. 48-011-0-520.000
Exposed trash on driveway, yard, and front porch;**

**233 Rosemont Avenue
Parcel No. 48-012-0-110.000
High grass and weeds with junk and debris in rear yard;**

**2510 Vollmer Drive
Parcel No. 48-004-0-199.00
High grass and weeds;**

**4295 Wedgewood Drive
Parcel No. 48-104-0-015.000
High grass and weeds including a pile of branches in rear yard;**

**209 Westminster Avenue
Parcel No. 48-024-0-363.000
High grass and weeds;**

**348 Westminster Avenue
Parcel No. 48-024-0-328
High grass and weeds;**

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

RESOLUTION #16-06-13-09: Motion by Mr. Davis pursuant to ORC 505.871 to find the following motor vehicles meet 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:

5141 Kirk Road:

An inoperable Chevrolet pick-up truck with an expired license plate (EOK 2468) parked in an exposed manner within the grass;

An inoperable white dump truck with no license plate parked in an exposed manner within the grass;

An inoperable black dump truck with an expired license plate (PGQ 5162) parked in an exposed manner within the grass; and

An inoperable white pick-up truck with an expired license plate (DPX 3877) parked in an exposed manner within the grass.

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

PARK DEPARTMENT

May 2016 Monthly report received.

Park Supervisor, Todd Shaffer thanked the Austintown Junior Women's League for their monetary donation to the Park.

SENIOR CENTER

May 2016 Monthly report received.

Senior Center Director, Jim Henshaw commended the Fire Dept. on their service. Mr. Henshaw also announced the Senior Center's Newsletter will be sent out in the next three weeks.

FISCAL OFFICER

RESOLUTION #16-06-13-10: Motion by Mr. Stauffer to accept May Reports submitted to Board for review:

- a. Fund Status
- b. Revenue Status
- c. Appropriation Status

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

NEW BUSINESS

RESOLUTION #16-06-13-11: RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION AND REQUESTING CERTIFICATION FROM THE MAHONING COUNTY AUDITOR FOR ONE (1.0) MILL FOR RESURFACING AND REPAIR OF STREETS, ROADS AND BRIDGES:

The Board of Trustees of Austintown Township, Mahoning County, Ohio met in Regular Session on the 13th day of June, 2016, at the Offices of the Township Trustees with the following members present:

Kenneth A. Carano

Richard A. Stauffer

James C. Davis

Motion was made by Mr. Davis to approve the following Resolution:

WHEREAS, the amount of taxes which may be raised within the ten mill-limitation will be insufficient to provide an adequate amount for the necessary requirements of Austintown Township, Mahoning County, Ohio; and

WHEREAS, it is necessary to levy a tax under ORC 5705.19(G) in excess of the ten-mill limitation and to certify to the County Auditor of Mahoning County a resolution requesting that the County Auditor certify to the Board of Trustees the total current tax valuation of Austintown Township and the dollar amount of revenue that would be generated by the addition of 1.0 mill levy in excess of the ten-mill limitation.

THEREFORE, BE IT RESOLVED, by the Board of Trustees, two-thirds of all members elected thereto concurring, that it is necessary to place on the ballot an additional levy of 1.0 mill, to constitute a tax in excess of the ten-mill limitation for the benefit of Austintown Township, pursuant to ORC 5705.19(G), for *the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges*, at a rate not exceeding one (1.0) mill for each one dollar of valuation, which amounts to ten cents (\$0.10) for each hundred dollars of taxable valuation for a period of five years commencing with the tax year 2016, first due in the calendar year 2017; and,

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BE IT FURTHER RESOLVED, that the question of approving the levy shall be submitted to the electors of Austintown Township at the General Election held on the 8th day of November, 2016; and

BE IT FURTHER RESOLVED, that the Fiscal Officer is hereby directed to certify a copy of the Resolution to the County Auditor, Mahoning County, Ohio. The Board of Trustees hereby requests that the County Auditor certify to the Board of Trustees the total current tax valuation of Austintown Township and the dollar amount of revenue that would be generated by the addition of 1.0 mill in excess of the ten-mill limitation, if approved by the electors.

Mr. Stauffer seconded the motion to adopt the Resolution.

The Roll Call resulted as follows:

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

Resolution Requesting Certification from the Mahoning County Auditor is hereby duly adopted upon reading this 13th day of June, 2016.

RESOLUTION #16-06-13-12: RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION AND REQUESTING CERTIFICATION FROM THE MAHONING COUNTY AUDITOR FOR ONE (1.0) MILL FOR PROVIDING AND MAINTAINING MOTOR VEHICLES, EQUIPMENT, PERSONNEL AND COMMUNICATIONS FOR POLICE:

The Board of Trustees of Austintown Township, Mahoning County, Ohio met in Regular Session on the 13th day of June, 2016, at the Offices of the Township Trustees with the following members present:

Kenneth A. Carano

Richard A. Stauffer

James C. Davis

Motion was made by Mr. Davis to approve the following Resolution:

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WHEREAS, the amount of taxes which may be raised within the ten mill-limitation will be insufficient to provide an adequate amount for the necessary requirements of Austintown Township, Mahoning County, Ohio; and

WHEREAS, it is necessary to levy a tax under ORC 5705.19(J) in excess of the ten-mill limitation and to certify to the County Auditor of Mahoning County a resolution requesting that the County Auditor certify to the Board of Trustees the total current tax valuation of Austintown Township and the dollar amount of revenue that would be generated by the addition of 1.0 mill levy in excess of the ten-mill limitation.

THEREFORE, BE IT RESOLVED, by the Board of Trustees, two-thirds of all members elected thereto concurring, that it is necessary to place on the ballot an additional levy of 1.0 mill, to constitute a tax in excess of the ten-mill limitation for the benefit of Austintown Township, pursuant to ORC 5705.19(J), for the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, at a rate not exceeding one (1.0) mill for each one dollar of valuation, which amounts to ten cents (\$0.10) for each hundred dollars of taxable valuation for a period of five years commencing with the tax year 2016, first due in the calendar year 2017; and,

BE IT FURTHER RESOLVED, that the question of approving the levy shall be submitted to the electors of Austintown Township at the General Election held on the 8th day of November, 2016; and

BE IT FURTHER RESOLVED, that the Fiscal Officer is hereby directed to certify a copy of the Resolution to the County Auditor, Mahoning County, Ohio. The Board of Trustees hereby requests that the County Auditor certify to the Board of Trustees the total current tax valuation of Austintown Township and the dollar amount of revenue that would be generated by the addition of 1.0 mill in excess of the ten-mill limitation, if approved by the electors.

Mr. Stauffer seconded the motion to adopt the Resolution.

The Roll Call resulted as follows:

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

Resolution Requesting Certification from the Mahoning County Auditor is hereby duly adopted upon reading this 13th day of June, 2016.

RESOLUTION #16-06-13-13: MOTION by Mr. Stauffer to approve property lease agreement with the Mahoning County Board of Commissioners for the Mahoning County Solid Waste Management District for two locations for the sum of \$23,699.00 and to authorize Township Administrator Michael Dockry to execute said agreement on behalf of the Board of Trustees – *see attached*

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

RESOLUTION #16-06-13-14: Motion by Mr. Davis to Approve Repayment of the following Advances to the General Fund (1000):

1. \$260,000.00 from Communications (6002)
2. \$30,000.00 from Lighting District (4501)

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

RESOLUTION #16-06-13-15: Motion by Mr. Stauffer to Approve Advance from General Fund (1000) to:

1. \$40,000.00 to Communications (6002)

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

RESOLUTION #16-06-13-16: Motion by Mr. Stauffer to approve an increase of Permanent Appropriations in Westchester Fund (5002) by \$50,000.00 to \$172,720.00.

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

RESOLUTION #16-06-13-17: Motion by Mr. Davis to Not request a hearing on Notice to Legislative Authority – New Permit to Paskids Properties LLC., DBA Candlewood Suites 5575 Cerni Place, Austintown TWP, Austintown, OH 44515; Permit Number 6730209 – Permit Class B22808. Chief Gavalier had no objections.

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

RESOLUTION #16-06-13-18: Resolution transferring Real Property to the Local School District Pursuant to Ohio Revised Code 505.10 (A)(5);

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The Board of Trustees of Austintown Township, Mahoning County, Ohio, met in Regular Session on the *13th* day of June, 2016, at the Austintown Township Administration Building with the following members present:

Jim Davis, Rick Stauffer & Ken Carano

Mr. Davis moved for the adoption of the following Resolution:

WHEREAS, Ohio Revised Code Section 505.10 (A)(5) authorizes the board of township trustees, by resolution, to transfer and convey real property that it has title to, to any other political subdivision of the state, upon such terms as are agreed to between the board and the legislative authority of that political subdivision; and

WHEREAS, the Board of Trustees of Austintown Township, Mahoning County believes that it is both advisable and in the best interests of its residents and a proper public purpose to transfer 911 Park, formerly known as Trustee Park, and consisting of three (3) parcels, 480950002000, 480950003000, and 480950004000, to the Austintown Board of Education representing the Austintown Local School District, a political subdivision of the state of Ohio, and as consideration for said transfer the Austintown Board of Education will transfer to the Board of Trustees of Austintown Township three (3) parcels, 480240129000 and 480240129010, the site of the former Davis Elementary School and 480120050000, the site of the former Woodside Elementary School;

WHEREFORE, the Board of Trustees of Austintown Township, pursuant to R.C. Section 505.10 (A)(5) hereby approves the transfer and conveyance of parcels 480950002000, 480950003000, and 480950004000, real property that it has title to, to the Austintown Board of Education representing the Austintown Local School District, a political subdivision of the state of Ohio, in consideration for the Austintown Board of Education transferring and conveying to the Board of Trustees parcels 480240129000 and 480240129010, the site of the former Davis Elementary School, and parcel 480120050000, the site of the former Woodside Elementary School.

Mr. Stauffer seconded the Motion and the roll call being called upon its

adoption the vote resulted as follows:

Jim Davis Yes

Rick Stauffer Yes

Ken Carano Yes

Adopted this *13th* day of June, 2016

PUBLIC RESPONSE

OFF CAMERA: Elizabeth Ray; 125 Fitch Blvd., #214; Rick Ulrich; 125 Fitch Blvd., #257, presented a petition from their Condo Association with concerns with property that fronts their development. The debris from Austintown Plaza is not being maintained and they also added concerns over the wetlands and high grass.

ON CAMERA: Sam Swoger; 4492 Viall Rd. Thanked the Police and Fire departments for their swift service at the Memorial Day service at Fitch High School.

Patrick Marciano; 5007 E. Viola; commented on the dead end area off Norquest on side of Racino. We will be paving a section of N. Benton.

Lynn Parker; 4694 Westwood, Stated a house in his neighborhood is being revitalized to preserve the value of his neighborhood.

Youngstown-Warren Regional Chambers – Anthony Catullo introduced himself and spoke a little on Business, Retention and Expansion Programs.

REMARKS FROM THE BOARD MEMBERS

FISCAL OFFICER LAURA L. WOLFE: Had no comments

TRUSTEE KENNETH A. CARANO: Commented on Davis' and Stauffer's dedication to the 4th of July festivities.

TRUSTEE RICHARD A. STAUFFER: Expressed appreciation of Memorial Day Parade and commended department heads on their great leadership. Mr. Stauffer also commented on the Levies and the Farmer's Market at the Austintown Park on Mondays between 5 – 8:00 P.M.

TRUSTEE JAMES C. DAVIS: Sent condolences to the families of Tom Baker and Gary Kommel. Mr. Davis also commented on Ken Jakubec's commemoration at the Memorial Day ceremony. He also commented on the new playground equipment at the Township Park and on the Levies

RESOLUTION #16-06-13-19: Motion by Mr. Davis to approve payment to ALL OHIO Title & Escrow LLC, in the amount \$14,641.41 for the Ohio Department of Natural Resources – Clean Ohio Fund Green Space Conservation Program – Round 9A – Austintown Park Open Space Acquisition - Bagnoli Land Sale with 75% of the total land acquisition cost to be reimbursed to the Austintown Township Trustees from the Ohio Department of Natural Resources – Clean Ohio Fund Green Space Conservation Program.

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

RESOLUTION #16-06-13-20: Motion by Mr. Davis to recess into Executive Session at 7:50 P.M for the following:

- A. To consider the appointment, employment, discipline, or compensation of public employees
- B. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment

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

RESOLUTION #16-06-13-21: Motion by Mr. Stauffer to reconvene from executive session at 9:10 P.M.

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

RESOLUTION #16-06-13-22: Motion by Mr. Stauffer to approve the Memorandum of Understanding between Austintown Township, Boardman Township and the Board of Mahoning County Commissioners whereby the Township is hiring the following Dispatch Personnel effective July 3, 2016: Jeff Roskie, Mary Kay Boerio, Debbie Marin, Joe James, Glenn Pyatt, and Richard Allison.

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

RESOLUTION #16-06-13-23: Motion by Mr. Stauffer to adjourn at 9:15 P.M.

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