

# AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO  
82 OHLTOWN ROAD  
AUSTINTOWN, OH 44515

## REGULAR MEETING OF JULY 11, 2016

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, July 11, 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 #16-07-11-01:** Motion by Mr. Davis to APPROVE Minutes of the Regular Meeting of June 27, 2016.

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

Presentations were given by the Austintown 4<sup>th</sup> of July Committee; the Fitch CC Boosters; the 911 Memorial Committee and the Fitch Boys Basketball Team

### DEPARTMENT BUSINESS

#### ROAD DEPARTMENT

June 2016 Monthly report received.

#### POLICE DEPARTMENT

June 2016 Monthly report received.

#### FIRE DEPARTMENT

June 2016 Monthly report received.

**RESOLUTION #16-07-11-02:** Motion by Mr. Davis to Approve Austintown Township Fire Dept. Standard Operating Guidelines – *see attached*

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

**RESOLUTION #16-07-11-03: Motion by Mr. Stauffer to Approve Austintown Township Fire Dept. Rules and Regulations – *see attached***

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

**RESOLUTION #16-07-11-04: Motion by Mr. Stauffer to Approve Austintown Township Fire Dept. Job Descriptions – *see attached***

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

**RESOLUTION #16-07-11-05: Motion by Mr. Davis to Approve Adoption of the 2015 International Fire Code, including all appendices, for Austintown Township, Mahoning County, Ohio**

WHEREAS, in order to properly protect the health, safety and welfare of the inhabitants of Austintown Township, this Board finds it necessary and advisable to adopt a standard code pertaining to fire, Fire hazards and fire prevention; and

WHEREAS, it is the intent of this Board to adopt, pursuant to O.R.C. 505.373, the 2015 International Fire Code in its entirety, including all appendices A through W;

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

SECTION 1. That pursuant to O.R.C. 505.373, the Board hereby adopts the 2015 International Fire Code in its entirety and incorporates it by reference, including all appendices, as the standard code pertaining to fire, fire hazards and fire prevention in Austintown Township, Mahoning County, Ohio. Appendices A through W are attached to and incorporated by reference.

SECTION 2. That all other Resolutions in conflict herewith are hereby repealed.

SECTION 3. That nothing in this resolution or in the 2015 International Fire Code, including all appendices, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, prior to the enactment of this Resolution. However, all such prior actions are expressly subject to code in effect at the time the cause of action arose.

SECTION 4. That the Fiscal Officer is directed to:

A. Maintain three complete copies of the 2015 International Fire Code in its entirety, including all appendices, on file in the office of the Austintown Township Fiscal Officer, for inspection by the public;

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B. Keep copies of the 2015 International Fire Code in its entirety, including all appendices, available for distribution to the public at cost;

C. Certify and deliver a copy of this resolution, together with a complete copy of the 2015 International Fire Code in its entirety, including all appendices, to the Mahoning County Law Library, 120 Market St., Youngstown Ohio, 44503; and

D. Post notice of adoption of the 2015 International Fire Code in its entirety, including all appendices A through W, in five conspicuous places in the Township for at least 30 days as listed below:

- Austintown Township Hall, 82 Ohltown Rd.
- Austintown Police Department, 92 Ohltown Rd.
- Austintown Fire Department Main Office, 384 N. Canfield-Niles Rd.
- Austintown Fire Department Inspection Office, 88 Westchester Dr.
- Austintown Zoning Office, 90 Westchester Dr.

and also cause such notice to be published in a newspaper of general circulation in the Township once a week for three consecutive weeks. The notice shall clearly identify the code and state its purpose, and state that complete copies of the 2015 International Fire Code in its entirety, including all appendices, are on file with the Austintown Township Fiscal Officer and the Mahoning County Law Library for inspection by the public, and that the Fiscal Officer has copies available for distribution to the public at cost.

SECTION 5. The 2015 International Fire Code in its entirety, including all appendices, shall become effective and apply throughout the Township on the 31<sup>st</sup> day following the day the above notice is first posted in the Township.

Motion to adopt the Resolution was seconded by MR. STAUFFER.

<b>ROLL CALL</b>	<b>AYE</b>	<b>NAY</b>
Mr. James Davis	__X__	_____
Mr. Richard Stauffer	__X__	_____
Mr. Kenneth Carano	__X__	_____

**ZONING DEPARTMENT**

June 2016 Monthly report received.

**RESOLUTION #16-07-11-06:** Motion by Mr. Davis to approve the following:

**RESOLUTION**

**The Board of Trustees of Austintown Township, Mahoning County, Ohio, meeting on Monday July 11, 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:

**1392 Cavalcade Drive**

**Parcel No. 48-076-0-148.000**

**Junk and debris with high grass and weeds on the side of structure and rear yard;**

**303 Forest Hill Drive**

**Parcel No. 48-009-0-281.000**

**High grass and weeds;**

**307 Forest Hill Drive**

**Parcel No. 48-009-0-282.000**

**High grass and weeds;**

**2574 South Meridian Road**

**Parcel No. 48-004-0-168.000**

**High grass and weeds;**

**4525 New Road**

**Parcel No. 48-070-0-023.000**

**High grass and weeds;**

**5231 New Road**

**Parcel No. 48-020-0-010.010**

**High grass and weeds;**

**694 Notre Dame**

**Parcel No. 48-110-0-043.000**

**High grass and weeds;**

**604 Notre Dame Ave**

**Parcel No. 48-110-0-150.000**

**High grass and weeds;**

**2024 South Raccoon Road**

**Parcel No. 48-070-0-001.000**

**High grass and weeds;**

**333 1/2 North Roanoke**

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Parcel No. 48-024-0-211.000  
White bags of trash piled at back of duplex;

357 North Roanoke Avenue  
Parcel No. 48-024-0-207.000  
Junk and debris at curb;

455 South Turner Road  
Parcel No. 48-060-0-008.000  
High grass and weeds in rear yard;

2327 South Turner Road  
Parcel No. 48-132-0-014.000  
A large pile of branches on the southern property line with scrap wood piled;

5996 West Webb Road  
Parcel No. 49-044-0-037.010  
High grass and weeds;

5132 Willowcrest Drive  
Parcel No. 48-117-0-035.000  
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. Stauffer seconded the motion. Roll Call: Mr. Davis, yes; Mr. Carano, yes; and Mr. Stauffer, yes.

**PARK DEPARTMENT**

June 2016 Monthly report received.

Park Supervisor, Todd Shaffer mentioned the Playground Ribbon Cutting Ceremony. He also stated the Pickleball nets will be in on Tuesday July 12, 2016

**SENIOR CENTER**

June 2016 Monthly report received.

Senior Center Director, Jim Henshaw stated the Seniors at the Center are looking to go Skydiving. It was also noted that the Senior Center is looking for a

minibus with wheelchair ramp. New employee will need a CDL to operate it.

**FISCAL OFFICER**

**RESOLUTION #16-07-11-07:** Motion by Mr. Davis to Accept June Reports submitted to Board for review:

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

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

**NEW BUSINESS**

**RESOLUTION #16-07-11-08:** Motion by Mr. Stauffer to Approve Advances from General Fund (1000) to the following accounts:

- 1. \$50,000.00 to Communications (6002)
- 2. \$50,000.00 to Road (2031)
- 3. \$50,999.99 to Zoning (2181)

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

**RESOLUTION #16-07-11-09:** Motion by Mr. Davis

**RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS  
OF THE TEN MILL LIMITATION AND REQUESTING  
CERTIFICATION FROM THE MAHONING COUNTY AUDITOR**

The Board of Trustees of Austintown Township, Mahoning County, Ohio met in Regular Session on the 11th day of July, 2016, at the Offices of the Township Trustees with the following members present:

Mr. Kenneth A. Carano

Mr. Richard A. Stauffer

Mr. 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

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**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 an increase of 1.0 mill 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 increase 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, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department, 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 **continuing period of time** 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 an increase 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>	<u>      </u>
Mr. Richard A. Stauffer	<u>  X  </u>	<u>      </u>
Mr. James C. Davis	<u>  X  </u>	<u>      </u>

**Resolution Requesting Certification from the Mahoning County Auditor is hereby duly adopted upon reading this 11<sup>th</sup> day of July, 2016.**

**RESOLUTION #16-07-11-10: MOTION by Mr. Davis to NOT request a hearing on**

Notice to Legislative Authority - For a NEW Permit to Mei Fen Lin, DBA Hanami Express Japanese Restaurant; 1520 S. Raccoon Rd., Austintown Township, Youngstown, OH 44515 (Permit number 5204820); Permit Class(s) D2. Police Chief Bob Gavalier had no objections.

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

### **PUBLIC RESPONSE**

**ON CAMERA:** Pat Connelly – 3819 Elmwood; thanked Todd and the Park employees for helping out at the 911 Memorial Park.

**OFF CAMERA:** None

### **REMARKS FROM THE BOARD MEMBERS**

**FISCAL OFFICER LAURA L. WOLFE:** Talked about how much she and her family enjoyed the 4<sup>th</sup> of July Celebrations

**TRUSTEE KENNETH A. CARANO:** Sincerely thanked Walt and Rhea Terlecky for all they've done and do for the Township. Mr. Carano talked about how fantastic our Park is and invited everyone to check it out. The 4<sup>th</sup> of July Celebration for next year will be run by the Township along with the committee and volunteers.

**TRUSTEE RICHARD A. STAUFFER:** Commented the 4<sup>th</sup> of July Celebration took an army of workers to make everything run smoothly. Mr. Stauffer handed out a heartfelt 'thank you' to Jim Davis and Mark Cole for being in charge of the planning of the celebrations; to the residents of Austintown; to Fire Chief Andy Frost and Fire Fighter Fred Marcum for their dedication to John Fritz's Memorial Service; to the Chief of Police and ALL officers of the Austintown Police Dept.; and to Todd Shaffer and Park employees for setting up the ribbon-cutting for the Playground and also their work in keeping all the Parks nice.

**TRUSTEE JAMES C. DAVIS:** Commended the Fire Dept. on obtaining their Fire Grant; Thanked Tim Ryan for his assistance in fighting for our community; stated that one of the greatest grants received was from the Terlecky Family (20 years ago) – they donated the Westchester Building – proceeds to support the children and residents of Austintown which includes the Senior Center, Splash Pad, Playground, and Pickleball Courts. Mr. Davis mentioned the festivities to celebrate the life of Firefighter John Fritz and thanked the neighboring communities who stepped up to support the stations during calling hours and the funeral. Mr. Davis also sent out thanks to: O'Donold's for the food donations; to Chuck Chalker for the Freedom 5K Race; to Colonial Fireworks; to Joyce Pogany for the flag-raising ceremony at the Log Cabin; thanked Father Keehner for his 'Walk Down Memory Lane'; thanked the Austintown 4<sup>th</sup> of July Celebration

committee with 10 – 12 members and the outstanding job they did; stated next year will require more people. Mr. Davis stated the parade was unbelievable in honoring its 40<sup>th</sup> Anniversary.

**RESOLUTION #16-07-11-11:** Motion by Mr. Stauffer to recess into Executive Session at 7:10 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. Davis seconded the motion. Roll Call: Mr. Carano, yes; Mr. Stauffer, yes; and Mr. Davis, yes.

**RESOLUTION #16-07-11-12:** Motion by Mr. Davis to reconvene from executive session at 8:00 P.M.

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

**RESOLUTION #16-07-11-13:** Motion by Mr. Davis to approve the Trustees overseeing all the 4<sup>th</sup> of July activities and that all committees will report to the Trustees with the Trustees having the final decisions.

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

**RESOLUTION #16-07-11-14:** Motion by Mr. Stauffer to remove Chris Lewis as Chairman of the 4<sup>th</sup> of July Parade.

Mr. Davis seconded the motion. Roll Call: Mr. Stauffer, yes; Mr. Davis, yes; and Mr. Carano, no.

**RESOLUTION #16-07-11-15:** Motion by Mr. Davis to give a 2% pay increase to the Senior Center employees effective July 17, 2016; Jim Henshaw, Minerva Colon, Kay Lavelle, Jessica Ricker, Robert Ricker, Denise Shelton, and Joyce Conn.

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

**RESOLUTION #16-07-11-16:** Motion by Mr. Davis to hire Nick Heitzer and Kelsey Musch as full time Firefighters.

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

**RESOLUTION #16-07-11-17:** Motion by Mr. Davis to hire Joyce Conn as a part time cook at the Senior Center at an hourly rate of \$9.00.

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

**RESOLUTION #16-07-11-18:** Motion by Mr. Davis to approve payment of \$1000.00 to the surviving spouse of John Fritz from the \$1000.00 donation received from the Ohio State Eagles, check # 23687 dated July 1, 2016, consistent with the wishes of the Ohio State Eagles.

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

**RESOLUTION #16-07-11-19:** Motion by Mr. Stauffer to adjourn meeting at 8:15 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