

# AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO  
82 OHLTOWN ROAD  
AUSTINTOWN, OH 44515

## REGULAR MEETING OF DECEMBER 19, 2007

The Regular Meeting of the Board of Trustees of Austintown Township was held Wednesday, December 19, 2007, at the Township Hall, 82 Ohltown Road, Austintown, Ohio.

The Meeting opened at 6:00 P.M. with a salute to the flag led by Chairman Warren Bo Pritchard.

Mr. Pritchard introduced the Department Heads and Sergeant at Arms.

Mrs. Oles made a motion to approve the Minutes of the Regular Meeting of December 10, 2007. Mr. Ditzler seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

### DEPARTMENT BUSINESS

#### ZONING DEPARTMENT

1) No action was taken regarding the term of Board of Zoning Appeals member Dawn Owens expiring on December 26, 2007.

#### OHIO DIVISION OF LIQUOR CONTROL

1) **RESOLUTION #07-12-19-01:** Mr. Ditzler made a motion to approve the Notice to Legislative Authority – Transfer from Original Roadhouse, Inc., 920 N. Canfield Niles Road, Austintown Township to Wagonz, Inc., d.b.a. Brudder's Wood Fire Grille & Bar, 920 N. Canfield Niles Road, Austintown Township – Permit Number 9343888 – Permit Classes D5A, D6. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes. The Board does not request a hearing.

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**NEW BUSINESS**

**RESOLUTION #07-12-19-02:** Mr. Ditzler made a motion to approve proposal in the amount of \$4,600 from Don Hall Excavating Inc., 6640 Silica Road, Austintown, OH 44515, for the demolition of *181 Idaho Road, Permanent Parcel Number 480160024000, Austintown Township*. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

**RESOLUTION #07-12-19-03:** Mrs. Oles made a motion to approve proposal in the amount of \$1,700 from Don Hall Excavating Inc., 6640 Silica Road, Austintown, OH 44515, for the demolition of garage at *139 N. Roanoke, Permanent Parcel Number 480250268000, Austintown Township*. Mr. Ditzler seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

No action was taken regarding the exclusive perpetual Grant of Easement to Global Signal Acquisitions IV LLC that consists of the present 50 x 50 square feet area plus an additional 20 x 20 square feet area together with ingress and egress access, on the Township Park property south of Barrington Drive for the consideration of \$82,000.

No action was taken regarding the Administrator Michael Dockry, to execute on behalf of the Board of Trustees, the Easement and all documents concerning the exclusive perpetual Grant of Easement to Global Signal Acquisitions IV LLC.

**TRANSFERS**

**RESOLUTION #07-12-19-04:** Mrs. Oles made a motion to approve the Transfers dated December 11, 2007. Mr. Ditzler seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

12-11-07 \$ 1,250.96 from General Fund 1000 to Public Works Fund 4401

**APPROVAL OF REQUISITIONS**

**ROAD DEPARTMENT**

**RESOLUTION #07-12-19-05:** Mr. Ditzler made a motion to approve the Road Department's requisitions D-2590 through D-2592 in the total amount of \$29,907.00. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

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**APPROVAL OF REQUISITIONS (CONTINUED)**

D-2590 Morton Salt	\$25,000.00
D-2591 Bazetta Tree, Inc.	295.00
D-2592 Platinum Plus	4,612.00

**POLICE DEPARTMENT**

**RESOLUTION #07-12-19-06:** Mr. Ditzler made a motion to approve the Police Department's requisitions C-5174 through C-5179 in the total amount of \$4,235.32. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

C-5174 Red Diamond Uniform & Police Supply, Inc.	\$783.99
C-5175 Staley Communication, Inc.	106.75
C-5176 Pitney Bowes Postage by Mail	313.98
C-5177 Mastercard	1,107.35
C-5178 The Carpet Shop	1,529.28
C-5179 Staples Business Advantage	393.97

**FIRE DEPARTMENT**

**RESOLUTION #07-12-19-07:** Mr. Ditzler made a motion to approve the Fire Department's requisitions F-4594 through F-4600 in the total amount of \$4,042.26. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

F-4594 Mahoning County Fire Chief's Association	\$575.00
F-4595 WalMart	118.85
F-4596 ABC Dimensions, Inc.	219.55
F-4597 Zee Medical, Inc.	150.90
F-4598 Chuck Koch Construction Co.	400.00
F-4599 Grainger	106.56
F-4600 Aardvark Sportswear, Inc.	2,471.40

**MAINTENANCE DEPARTMENT**

**RESOLUTION #07-12-19-08:** Mr. Ditzler made a motion to approve the Maintenance Department's requisition A-6218 in the total amount of \$631.50. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

A-6218 Service Station Equipment Co., Inc.	\$ 631.50
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**APPROVAL OF REQUISITIONS (CONTINUED)**

**PARK DEPARTMENT**

**RESOLUTION #07-12-19-09:** Mr. Ditzler made a motion to approve the Park Department's requisitions P-7232 in the total amount of \$21,100.00. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

P-7232 Wallace & Pancher, Inc. \$ 21,100.00

**GENERAL DEPARTMENT**

**RESOLUTION #07-12-19-10:** Mr. Ditzler made a motion to approve the General Department's requisitions G-1903 through G-1908 in the total amount of \$4,080.82. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

G-1903 Ohio Edison	\$1,554.02
G-1904 FIA Card Services	370.56
G-1905 FIA Card Services	119.00
G-1906 Lisa L. Oles	161.99
G-1907 Haulin-n-Such	1,754.00
G-1908 AT&T	121.25

**PUBLIC RESPONSE**

**ON CAMERA: NONE  
OFF CAMERA: NONE**

**REMARKS FROM THE BOARD MEMBERS**

**FISCAL OFFICER MICHAEL J. KURISH:** Merry Christmas & Happy New Year.

**TRUSTEE LISA L. OLES:** Merry Christmas & Happy New Year.

**TRUSTEE DAVID C. DITZLER:** Merry Christmas & Happy New Year.

**TRUSTEE WARREN BO PRITCHARD:** Reminder to call in the location of pot holes. Merry Christmas & Happy New Year.

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Mrs. Oles made a motion to recess into Executive Session at 7:15 P.M. to consider Item #13(a) the appointment, employment, discipline, dismissal or compensation of public employees. Mr. Ditzler seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

Mr. Ditzler made a motion to reconvene the meeting at 7:45 P.M. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

Chief Andrew Frost brought written charges against Austintown Firefighter Christopher Kerby and these charges were presented to and acknowledged by Michael J. Kurish, Fiscal Officer.

**RESOLUTION #07-12-19-11:** Mr. Ditzler made a motion to adopt the following Resolution:

**WHEREAS**, the Board of Austintown Township Trustees has designated Fire Chief Andrew Frost to investigate the conduct of Austintown Township Fire Department Employee, Christopher Kerby (“Kerby”) pursuant to R.C. §505.38; and

**WHEREAS**, on December 19, 2007 disciplinary charges were filed with the Board of Austintown Township Trustees (“The Board”) against Kerby, in accordance with R.C. §§ 505.38; 733.35 to 733.39; and

**WHEREAS**, for purposes of investigating the charges filed, R.C. § 733.38 affords the Board with the power to issue subpoenas to compel the attendance of persons and the production of books and papers before it; and

**WHEREAS**, the Board may provide for exercising and enforcing R.C. §733.38.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby resolves to exercise and enforce R.C. §733.38 and specifically authorizes subpoenas to be issued under signature of the Chairman of the Board; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Fiscal Officer shall issue a Notice of Disciplinary Charges to Kerby.

**WHEREUPON**, the Chairman of the Board declared the foregoing Resolution be duly adopted this 19th day of December, 2007.

Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes ; and Mrs. Oles, yes.

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**RESOLUTION #07-12-19-12:** Mr. Ditzler made a motion to adopt the following Resolution in order to comply with the Public Employees Retirement System of Ohio regulations and law and IRS regulations and law:

**AUTHORIZATION FOR THE TOWNSHIP OF AUSTINTOWN TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES OF THE TOWNSHIP PURSUANT TO I.R.C. SECTION 414(H)(2).**

WHEREAS, pursuant to federal and Ohio laws, the employees of the Township of AUSTINTOWN could defer the federal and state income taxes on a portion of their wages or salaries if the Township of AUSTINTOWN would "pick up" (assume and pay) the statutorily required contribution by such elected officials and covered employees to the Public Employees Retirement System of Ohio; and

**NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP OF AUSTINTOWN OHIO, THAT:**

**SECTION 1:** Effective on January 1, 2007 the percentage of the statutorily required contributions to the Public Employees Retirement System of Ohio listed in Section 3 herein shall be picked up and paid as a fringe benefit by the Township for each person within any of the classes established in Section 2 herein. This "pick up" by the Township of Austintown is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in Section 2 herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contributions to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the Township of AUSTINTOWN or of being excluded from the "pick up".

The Township of AUSTINTOWN shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employees contribution for each person subject to this "pick up" has been made as provided by the statute.

**SECTION 2:** The "pick up" by the Township of AUSTINTOWN provided by this Resolution shall apply to all persons that:

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Are employees of the Township of AUSTINTOWN who are or become contributing members of the Public Employees Retirement System of Ohio.

**SECTION 3: Under the Fringe Benefit Method of Employer pick-up, salary is not modified, however, the employer will pay the following percentages of the employees, statutorily required 10% contribution to PERS:**

Road Assistant Superintendents, Foremen, Operators and Truck Driver/Laborers, members of Teamsters Local 377 -the full 10%;

Dispatchers, members of the Ohio Patrolmen's Benevolent Association-6%;

Park Foremen and Laborers, members of Teamsters Local 377-4%;

Zoning Assistant, member of Teamsters Local 377-3%;

Clerical employees, members of Teamsters Local 377-3%;

Vehicle Maintenance employees, no union affiliation-2%;

Township Administrator, Road Superintendent, Police Chief, Zoning Inspector and Park Supervisor, not affiliated with any union-1%.

The percentage amounts listed herein are to be paid on a continuing basis (have no sunset date) unless modified by Board resolution or a future collective bargaining agreement and in that event the township shall immediately advise the Public Employees Retirement System of Ohio of any such modification.

**SECTION 4: The Fiscal Officer is hereby authorized and directed to implement the provisions of this Resolution to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits.**

Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

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There being nothing further to come before the Board, the Meeting adjourned at 8:15 P.M.

\_\_\_\_\_ APPROVED

\_\_\_\_\_ DATED \_\_\_\_\_ SIGNED

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Demolition – Garage – 139 N. Roanoke

Grant of Easement - Global Signal acquisitions IV LLVC

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Christopher Kerby

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Resolution – OPERS Pickup