

AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO
82 OHLTOWN ROAD
AUSTINTOWN, OH 44515

REGULAR MEETING OF DECEMBER 22, 2008

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, December 22, 2008, 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 David C. Ditzler. Roll Call was as follows: Mr. Ditzler, present; Mr. Pritchard, present; and, Mrs. Oles, present.

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

Mr. Pritchard made a motion to approve the Minutes of the Regular Meeting of December 8, 2008. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

DEPARTMENT BUSINESS

ZONING DEPARTMENT

RESOLUTION #08-12-22-01: Mr. Pritchard made a motion to approve the purchase of a *General Motors 2009 Cobalt 4-door LT Sedan* for a price not to exceed \$13,884.65 from Greenwood Chevrolet, Inc., Mahoning Avenue, Austintown, OH. Mrs. Oles seconded the motion. Roll Call: Mr. Pritchard, yes; Mrs. Oles, yes; and Mr. Ditzler, yes.

OHIO DIVISION OF LIQUOR CONTROL

RESOLUTION #08-12-22-02: RESOLUTION OBJECTING TO ANNUAL LIQUOR PERMIT RENEWAL PURSUANT TO OHIO REVISED CODE SECTION 4303.271

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Mr. Ditzler moved the adoption of the following Resolution:

WHEREAS, the uniform date for renewal of liquor permits in Mahoning County is February 1; and,

WHEREAS, any objection shall be made no later than thirty days prior to the expiration of the permit; and

WHEREAS, pursuant to Ohio Revised Code Section 4303.271, the Board of Township Trustees may object to the renewal of a permit issued under Sections 4303.11 to 4303.183 of the Revised Code for any of the reasons contained in division (A) of Section 4303.292 of the Revised Code, by resolution specifying the reasons for objecting to the renewal and requesting a hearing; and

WHEREAS, the resolution shall be accompanied by a statement by the chief legal officer of the political subdivision that, in the chief legal officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of section 4303.292 of the Revised Code; and

WHEREAS, the applicant, 5455 Clarkins Drive Inc., owned by Robert Neill, Liquor Permit No. 2759612, is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Ohio Revised Code Section 4303.292.

THEREFORE, be it RESOLVED, that the Board of Trustees of Austintown Township, Mahoning County, Ohio, wishes to object to the renewal of the Liquor Permit, Permit No. 2759612, in the name of 5455 Clarkins Drive Inc., owned by Robert Neill, for the reasons set forth in Ohio Revised Code Section 4303.292, including, but not limited to: the applicant's operation of a liquor permit business is in a manner that demonstrates a disregard for laws, regulations or local ordinances, including a conviction for fire code violations, a conviction for violation of the Township's zoning code concerning signs and failing to continuously operate the hotel/motel as required by the liquor permit; the applicant's misrepresentation of a material fact when applying for the permit, specifically not operating the hotel/motel as required by the liquor permit; and, the location of the establishment substantially and adversely interferes with the public decency, sobriety, peace, or good order of the neighborhood, including abutting restaurants, hotels, motels and the nearby residential neighborhood; and,

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BE IT FURTHER RESOLVED, by the Board of Trustees of Austintown Township, Mahoning County, Ohio, two-thirds of all members elected thereto concurring, that the renewal of Liquor Permit, Permit No. 2759612, 5455 Clarkins Drive Inc., owned by Robert Neill, 5455 Clarkins Drive, Youngstown, Ohio, 44515, is hereby objected to; and,

BE IT FURTHER RESOLVED, that the Board of Trustees of Austintown Township requests that the Ohio Department of Commerce, Division of Liquor Control, set a hearing for the said application for the renewal of the liquor permit in Mahoning County pursuant to Ohio Revised Code Section 4303.271; and,

BE IT FURTHER RESOLVED, that the Fiscal Officer is hereby directed to certify a copy of the Resolution objecting to the renewal application and attach a statement of the Mahoning County Prosecutor that he has reviewed the resolution and in his opinion it is based on substantial legal grounds, and send both to the Ohio Department of Commerce, Division of Liquor Control.

Mr. Pritchard seconded the Motion and the Roll Call being called upon its adoption the vote resulted as follows:

LISA L. OLES	YES
WARREN BO PRITCHARD	YES
DAVID C. DITZLER	YES

NEW BUSINESS

RESOLUTION #08-12-22-03: Mrs. Oles made a motion to approve the following *Temporary Appropriations for 2009*. Mr. Pritchard seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes, and Mrs. Oles, yes.

1000 GENERAL DEPARTMENT	\$1,500,000
2011 MOTOR VEHICLE LICENSE TAX	40,000
2021 GASOLINE TAX	50,000
2031 ROAD & BRIDGE	1,000,000
2041 CEMETERY	20,000
2081 POLICE DISTRICT	1,800,000
2111 FIRE DISTRICT	1,200,000
2171 PARK LEVY	200,000
2181 ZONING	150,000
2221 DRUG LAW ENFORCEMENT	1,000
2231 PERMISSIVE MOTOR VEHICLE LICENSE	75,000
2261 LAW ENFORCEMENT TRUST	1,000
2271 ENFORCEMENT & EDUCATION	1,000
4501 LIGHTING DISTRICT ASSESSMENTS	50,000

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NEW BUSINESS (CONTINUED)

4951 CEMETERY BEQUESTS	1,000
5001 WESTCHESTER BUILDING	50,000
6001 MAINTENANCE	50,000
6002 COMMUNICATIONS	100,000
9001 UNCLAIMED MONIES FUND	500

2) **RESOLUTION #08-12-22-04:** Mr. Pritchard made a motion to approve the Excavator's Bond for Parisi Excavating Corp. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

TRANSFERS

RESOLUTION #08-12-22-05: Mr. Pritchard made a motion to approve the Transfers dated October 16, December 9, 17 and December 22, 2008. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

10-16-08 \$3.81 from Fire Fund 2111 to Unclaimed Monies Fund 9001
 \$80.00 from Zoning Fund 2181 to Unclaimed Monies Fund
 9001

12-09-08 \$100,000 from General Fund 1000 to Road Fund 2031

12-17-08 \$150,000 from General Fund 1000 to Police Fund 2081

12-22-08 \$ 75,000 from General Fund 1000 to Road Fund 2031
 \$150,000 from General Fund 1000 to Police Fund 2081
 \$100,000 from General Fund 1000 to Fire Fund 2111
 \$ 40.00 from General Fund 1000 to Public Works Fund 4401

INCREASE APPROPRIATIONS

RESOLUTION #08-12-22-06: Mrs. Oles made a motion to approve the Increase of Appropriations dated November 30, 2008. Mr. Pritchard seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

11-30-08 Fire Fund #2111 - \$200,000

ESTABLISH NEW FUND

RESOLUTION #08-12-22-07: Mr. Pritchard made a motion to establish a New Fund dated November 30, 2008. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

11-30-08 Fund #2251 – Federal Law Enforcement - \$8,344.91

REDUCE REVENUE BUDGET

RESOLUTION #08-12-22-08: Mr. Pritchard made a motion to Reduce the Revenue Budget dated December 15, 2008. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

12-15-08 Fund #2908 – Fire and Rescue - \$8,000

APPROVAL OF REQUISITIONS

ROAD DEPARTMENT

RESOLUTION #08-12-22-09: Mr. Pritchard made a motion to approve the Road Department's Requisition D-2686 in the total amount of \$216.00. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

D-2686 Advanced Marking Systems	\$216.00
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FIRE DEPARTMENT

RESOLUTION #08-12-22-10: Mr. Pritchard made a motion to approve the Fire Department's Requisition F-4851 and F-4852 in the total amount of \$5,134.24. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

F-4851 Austintown Township Trustees	\$1,000.00
F-4852 Dell Marketing	4,134.24

GENERAL DEPARTMENT

RESOLUTION #08-12-22-11: Mr. Pritchard made a motion to approve the General Department's Requisitions G-2012 through G-2019 in the total

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APPROVAL OF REQUISITIONS (CONTINUED)

GENERAL DEPARTMENT (CONTINUED)

amount of \$2,258.70. Mrs. Oles seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

G-2012 Ed Miller Signs	\$180.00
G-2013 Sheetz	120.40
G-2014 AT&T	164.26
G-2015 FIA Card Services	139.80
G-2016 FIA Card Services	335.44
G-2017 FIA Card Services	835.55
G-2018 Professional Maintenance of Mahoning Valley	350.00
G-2019 D&D Industrial Services, Inc.	133.25

PUBLIC RESPONSE

ON CAMERA: NONE

OFF CAMERA: NONE

REMARKS FROM THE BOARD MEMBERS

Fiscal Officer Michael J. Kurish: Merry Christmas and Happy New Year!

Trustee Warren Bo Pritchard: Merry Christmas and Happy New Year! Remember those who are less fortunate.

Trustee Lisa L. Oles: Merry Christmas and Happy New Year!

Trustee David C. Ditzler: Merry Christmas and Happy New Year!

Mrs. Oles made a motion to recess into Executive Session at 6:30 P.M. to consider the appointment, employment or compensation of public employees. Mr. Pritchard seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; Mrs. Oles, yes.

Mrs. Oles made a motion to reconvene the Meeting at 7:00 P.M. Mr. Pritchard seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

RESOLUTION #08-12-22-12: Mr. Pritchard made a motion to approve *Matt Ditchey* as a volunteer for cleaning miscellaneous debris located along

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the stream bank at Township Park. Mr. Ditzler seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

RESOLUTION #08-12-22-13: Mr. Pritchard made a motion to authorize Police Chief Gavalier to spend up to \$1,000.00 for special confidential investigations and to document these expenditures as best as he can considering the confidential nature of the investigations. Mr. Ditzler seconded the motion. Roll Call: Mr. Ditzler, yes; Mr. Pritchard, yes; and Mrs. Oles, yes.

RESOLUTION #08-12-22-14: Mr. Pritchard made a motion to adopt the following regarding **TOWNSHIP-OWNED VEHICLE USE POLICIES:**

WHEREAS, in certain circumstances it is beneficial to the Township and to the public that vehicles owned or leased by the Township be used by employees to assist in scheduling, response time, manning, and storage and to prevent vandalism of such vehicles in the various Township offices and departments; and

WHEREAS, the Internal Revenue Service requires certain affirmative policies by local governments to enable record-keeping and valuation rules be utilized in order to determine the value of the taxable fringe benefit to an employee for the use of a township vehicle.

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

SECTION 1. The Township Administrator, Police Chief and Fire Chief, employees who are on-call around the clock, are permitted to use their Township-owned vehicles for personal use, so long as such use is limited to Mahoning County and all counties abutting Mahoning County. The Zoning Inspector is permitted to use his Township-owned vehicle for commuting and for de minimis personal use, such as stops for meals taken in the course of employment or on the way to and from home that does not materially increase the number of miles a vehicle is driven. Such personal use and commuting use will be reported as a taxable benefit in accordance with Internal Revenue Service regulations.

SECTION 2. The above Township employee's vehicles shall also be used for official Township business and shall be made available for use in connection with Township business.

SECTION 3. Township-owned vehicles used for personal use or after normal business hours are permitted to be secured on non-Township-

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owned property.

SECTION 4. Employees shall also report any accident or related injuries to the proper governmental authority as required by law. Drivers should also report the details of the accident to their supervisor or Board of Trustees in writing. Furthermore, drivers should report citations or charges involving specified offenses (e.g., driving while under the influence of alcohol or drugs, reckless operation, etc.) and any defect or damage of the vehicle as soon as one is identified.

SECTION 5. Employees shall maintain a valid driver's license and personal casualty/ liability insurance and are required to immediately notify their supervisors or the Board of Trustees when their driving privileges change in any way (e.g., license suspension or revocation). Employees are aware the township's comprehensive and liability insurance may only cover those employees who are authorized to use the vehicle so the employee shall not permit unauthorized people to operate their vehicle.

SECTION 6. Employees are responsible for the appearance, interior and exterior cleanliness, and general condition of the vehicle.

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

RESOLUTION #08-12-22-15: Mr. Pritchard made a motion to adopt the following regarding **TOWNSHIP-OWNED CELL PHONE USE POLICIES:**

WHEREAS, in certain circumstances it is beneficial to the Township and to the public that cell phones owned by the Township be used by employees in order to permit them and the Township to perform their work and mission in an efficient and effective manner; and

WHEREAS, the Internal Revenue Service requires certain affirmative policies by local governments to enable record-keeping and valuation rules be utilized in order to determine the value of the taxable fringe benefit to an employee for either the non-reimbursed personal use of a township cell phone or the business use of a township cell phone that is not documented pursuant to the accountability rules of the IRS.

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

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SECTION 1. To encourage certain employees to carry their cell phones so that they can be reached during both their regular hours and their off hours of work, the township permits personal use of the cell phone during the employee's off hours. Permission by the township to use your cell phone for personal use during work hours is limited to emergency situations and authorized break times.

SECTION 2. In order to comply with IRS regulations the annual cost to the Township for a cell phone assigned to an employee will be added to the employee's gross income in accordance with Internal Revenue Service regulations. To prevent an increase in gross income an employee must comply with the accountability rules of the IRS. The key accountability rule is to document the business purpose of the use. That means it is not enough just to identify the call as a business call. The employee must document sufficient information as to the business purpose so that a non-township employee is able to understand the business or township purpose of the call.

SECTION 3. Employees are responsible for the following costs:

1. Lost, stolen, or irreparably damaged cell phones, beyond the usual wear and tear.
2. Except in emergency situations, for all directory assistant calls.
3. Costs in excess of the monthly service fee, regardless of whether the calls in excess of the monthly allotment of time consist of personal or business calls.

SECTION 4. The Township may choose to revoke cell phone privileges at their discretion.

SECTION 5. Cell Phone Safety:

1. When in a car, only use your cell phone when parked.
2. Never dial the cell phone or take notes while driving.
3. If your cell phone rings while driving, allow your voicemail to take the message and retrieve the message when you are parked.

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

There being nothing further to come before the Board, the Meeting adjourned at 7:00 P.M.

_____ APPROVED

_____ DATED _____ SIGNED

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