

AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO
82 OHLTOWN ROAD
AUSTINTOWN, OH 44515

REGULAR MEETING OF DECEMBER 23, 2009

The Regular Meeting of the Board of Trustees of Austintown Township was held Wednesday, December 23, 2009, 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 Chairperson Lisa L. Oles. Roll Call was as follows: Mr. Ditzler, present; Mrs. Oles, present; and Mr. Pritchard, present.

Mrs. Oles introduced the Department Heads and Sergeant at Arms.

Mr. Pritchard made a motion to approve the Minutes of the Regular Meeting of December 14, 2009. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

RESOLUTION #09-12-23-01: Mr. Ditzler made a motion to approve the *Legal Fee Contract – Hourly Rate of \$100.00 with Attorney Mark S. Finamore*. Mr. Pritchard seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

DEPARTMENT BUSINESS

ROAD DEPARTMENT

1) **RESOLUTION #09-12-23-02:** Mr. Pritchard made a motion to approve the *Engineering Services Proposal of Thomas Fok & Associates, Inc. regarding the LeHarps Road Improvements – Phase 1 – Ohio Public Works Commission* for services outlined and payment of \$24,897.00. Mr. Ditzler seconded the motion. Roll Call: Mr. Pritchard, yes; Mr. Ditzler, yes; and Mrs. Oles, yes.

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NEW BUSINESS

1) **RESOLUTION #09-12-23-03:** Mr. Pritchard made a motion approving the Board of Trustees of Austintown Township to borrow the sum of \$500,000 in 2010 in anticipation of calendar year 2010 1st half revenue. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

2) **RESOLUTION #09-12-23-04:** Mr. Ditzler made a motion to approve the following Resolution:

**RESOLUTION OBJECTING TO ANNUAL LIQUOR PERMIT RENEWAL
PURSUANT TO OHIO REVISED CODE SECTION 4303.271**

The Board of Trustees of Austintown Township, Mahoning County, Ohio, met in Regular Session on the 23rd day of December, 2009, at the office of the Township Trustees with the following members present:

**DAVID C. DITZLER
WARREN “BO” PRITCHARD
LISA OLES**

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

WHEREAS, the uniform date for renewal of liquor permits in Austintown Township, Mahoning County is February 1, 2010; and,

WHEREAS, any objection shall be made to the Ohio Department of Commerce, Division of Liquor Control, 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

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NEW BUSINESS (CONTINUED)

WHEREAS, the Board of Trustees of Austintown Township objected on December 22, 2008, to the 2009-2010 Renewal Application of Liquor Permit No. 2759612, in the name of 5455 Clarkins Drive Inc., owned by Robert Neill and on June 12, 2009, the Ohio Department of Commerce, Division of Liquor Control, denied and rejected the 2009-2010 Renewal Application; and

WHEREAS, the appeal of the denial and rejection of the 2009-2010 Renewal Application of Liquor Permit No. 2759612, in the name of 5455 Clarkins Drive Inc., owned by Robert Neill, is pending before the State of Ohio Liquor Control Commission; 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

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 misrepresented a material fact in applying to the division of liquor control for a permit as set forth in Ohio Revised Code Section 4303.292; and

WHEREAS, the place for which the permit is sought by the applicant, 5455 Clarkins Drive Inc., owned by Robert Neill, Liquor Permit No. 2759612, is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from the issuance, renewal, transfer of ownership of the permit and operation under it by the applicant as set forth in Ohio Revised Code Section 4303.292; and

WHEREAS, the place for which the permit is sought by the applicant, 5455 Clarkins Drive Inc., owned by Robert Neill, Liquor Permit No. 2759612, was declared a nuisance on May 27, 2009 by the Mahoning County Common Pleas Court in Case No. 09 CV 1619 pursuant to Chapter 3767 and Section 3719.10 of the Revised Code since the time of the most recent issuance, renewal or transfer of ownership of the liquor permit as set forth in Ohio Revised Code Section 4303.292; and

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NEW BUSINESS (CONTINUED)

WHEREAS, on November 27, 2009, the State of Ohio Liquor Control Commission revoked the liquor permit of the applicant, 5455 Clarkins Drive Inc., owned by Robert Neill, Liquor Permit No. 2759612, effective Noon, December, 18, 2009, for findings that the permit holder was in violation of citations of charges including, but not limited to, drug possession, drug paraphernalia possession, drug sales and solicitation.

THEREFORE, BE IT RESOLVED, that the Board of Trustees, 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 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, including fire code violations, underage consumption, after-hours consumption, liquor permit not posted, drug possession, drug paraphernalia possession, drug sales, and solicitation; the applicant is unfit to continue to engage in the liquor permit business in that he has misrepresented a material fact in applying to the division of liquor control for a permit, including not operating a hotel/motel as required by the liquor permit; and the place for which the permit is sought by the applicant is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from the issuance, renewal, transfer of ownership of the permit and operation under it by the applicant.

BE IT FURTHER RESOLVED, that the Board of Trustees, 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, as the place for which the permit is sought was declared a nuisance on May 27, 2009 by the Mahoning County Common Pleas Court in Case No. 09 CV 1619 pursuant to Chapter 3767 and Section 3719.10 of the Revised Code since the time of the most recent issuance, renewal or transfer of ownership of the liquor permit as set forth in Ohio Revised Code Section 4303.292.

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NEW BUSINESS (CONTINUED)

BE IT FURTHER RESOLVED, that the Board of Trustees, 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, due to the finding by the State of Ohio Liquor Control Commission on November 27, 2009, which revoked the liquor permit effective Noon, December, 18, 2009, for findings that the permit holder was in violation of citations of charges including, but not limited to, drug possession, drug paraphernalia possession, drug sales and solicitation.

BE IT FURTHER RESOLVED, by the Board of Trustees, 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

Adopted this 23rd day of December, 2009.

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NEW BUSINESS (CONTINUED)

3) **RESOLUTION #09-12-23-05:** Mr. Pritchard made a motion to approve the Excavator’s Bond for R.T. Vernal Paving, Inc. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler.

4) **RESOLUTION #09-12-23-06:** Mr. Pritchard made a motion to approve the following *Temporary Appropriations for 2010*:

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
2903 MVLETF STATE LAW ENFORCE TRUST	370,000
2904 MVLETF FEDERAL LAW ENFORCE TRUST	220,000
2905 MVLETF RESTITUTION FUND	3,900
2906 MVLETF 2010 BYRNE GRANT	49,000
2907 MVLETF HIDTA REIMBURSEMENT FUND	45,000
2910 MVLETF CRISIS RESPONSE TEAM	45,000
2911 MVLETF CONGRESSIONAL US-DOJ	119,000
4501 LIGHTING DISTRICT ASSESSMENTS	50,000
4951 CEMETERY BEQUESTS	1,000
5001 WESTCHESTER BUILDING	50,000
6001 MAINTENANCE	50,000
6002 COMMUNICATIONS	100,000
9001 UNCLAIMED MONIES FUND	500
9004 MVLETF FORFEITURE PENDING FUND	55,000

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

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APPROVAL OF REQUISITIONS

GENERAL DEPARTMENT

RESOLUTION #09-12-23-07: Mr. Pritchard made a motion to approve the General Department's requisition G-2113 in the total amount of \$415.17. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

G-2113 Dominion East Ohio Gas \$415.17

WESTCHESTER BUILDING

RESOLUTION #09-12-23-08: Mr. Pritchard made a motion to approve the Westchester Building's requisition W-0003 in the total amount of \$1,366.35. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

W-0003 Dominion East Ohio Gas \$1,366.35

MAHONING VALLEY LAW ENFORCEMENT TASK FORCE

RESOLUTION #09-12-23-09: Mr. Pritchard made a motion to approve the Mahoning Valley Law Enforcement Task Force's requisitions T-0370 through T-0384 in the total amount of \$50,555.58. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

T-0370 BP	\$251.98
T-0371 Walt's Service	29.95
T-0372 Midwest Safety	35.98
T-0373 Red Diamond Uniform & Police Supply, Inc.	109.99
T-0374 Lt. Robin Lees	10,000.00
T-0375 Wendy Welsh	9.73
T-0376 Lt. Robin Lees	42.75
T-0377 Walt's Service	26.95
T-0378 Staples Business Advantage	314.50
T-0379 Walt's Service	41.95
T-0380 Austintown Township	36,238.74
T-0381 Flynn's Tires	403.39
T-0382 Robert Whited	33.98
T-0383 Lt. Robin Lees	109.11
T-0384 VISA	2,907.08

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ADVANCES

RESOLUTION #09-12-23-10: Mr. Pritchard made a motion to approve the Advances dated December 18, 2009. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

12-18-09 \$20,000 from General Fund 1000 to Congressional Fund 2911.

PUBLIC RESPONSE

Jim Davis wished the Board, staff, and community a Merry Christmas.

Jeff Groat wished a Happy Holiday to all. Thanks to Bo for his service.

Lenny Gessler, Channel 19, wished everyone a Merry Christmas. Good Luck to Bo.

REMARKS FROM THE BOARD MEMBERS

FISCAL OFFICER MICHAEL J. KURISH: Wished everyone a Happy Holiday. Thanked Bo for his services.

TRUSTEE DAVID C. DITZLER: Wished everyone a Happy Holiday. Help those with needs. Thanked Bo for his services. In 1993, we were elected and liked to think we made a difference. A lot has changed over the years. Wished Bo the best.

TRUSTEE LISA L. OLES: Stated this is her last meeting as Chair. Thanks for the confidence. Mrs. Oles stated she is upset regarding the postings on utility poles throughout the Township.

Reminder January 7, 2010 is set for the meeting regarding the Multigeneration Center. Found a scrapbook from the '50's and '60's and read several articles.

Thanked Bo for a good job and wished him well.

TRUSTEE WARREN BO PRITCHARD: Best part of this job is who you work with. Thank Department Heads for what they do for Austintown and the dedicated work staff.

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REMARKS FROM THE BOARD MEMBERS (CONTINUED)

Not a lot of political regrets; do regret not supporting Lisa Oles in the beginning. She is an asset to our community. Her heart is in the right place.

Dave Ditzler has made an impact on our community. Remember him standing in water at homes flooded helping families. Remember working with other elected officials to solve these problems.

TRUSTEE WARREN BO PRITCHARD: What stands in the way of Austintown is no or little additional tax dollars to address as we grow. We have “big town” problems. Mr. Pritchard stated he will support Dave and Lisa in whatever they decide to do.

Mike Dockry and Mike Kurish have overseen our township money well. Pat Connelly created 9-11 Park at the old Trustees Park.

Joyce Pogany served 28 years at Township Schools. Thank her for the Christmas Lighting Festivities.

Wish all a Merry Christmas and a Happy Holiday. Thank all for the kind words.

Mr. Pritchard made a motion to recess into Executive Session at 7:00 P.M. to consider the appointment, employment or compensation of public employees and to prepare for, conduct or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of this employment. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

Mr. Ditzler made a motion to reconvene the Meeting at 7:30 P.M. Mr. Pritchard seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

RESOLUTION #09-12-23-11: Mr. Pritchard made a motion to approve the Transfers dated December 23, 2009. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

12-23-09 \$20,657.64 from General Fund 1000 to Police Fund 2081
\$ 1,817.47 from General Fund 1000 to FlexSave Fund 9002
\$19,019.15 from General Fund 1000 to Police Fund 2081

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RESOLUTION #09-12-23-12: Mr. Pritchard made a motion to approve the Increase of Revenue Budget and Appropriations dated December 23, 2009. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

9002 Flexible Spending 11,978.24

RESOLUTION #09-12-23-13: Mr. Pritchard made a motion to approve the Increase of Revenue Budget dated December 23, 2009. Mr. Ditzler seconded the motion. Roll Call: Mrs. Oles, yes; Mr. Pritchard, yes; and Mr. Ditzler, yes.

2081 Police District \$4,715,824.79

RESOLUTION #09-12-23-14: Mr. Ditzler made a motion to approve the Reduction of Revenue Budget dated December 23, 2009 in the following funds:

2011 Motor Vehicle License Tax	\$42,055.33
2031 Road and Bridge	1,733,559.00
2111 Fire District	2,929,248.00
2904 MVLETF Federal Law Enforcement	170,946.27
2905 MVLETF Restitution Fund	3,877.74
2908 Fire and Rescue Services	906.71
2909 APD Continuing Training	3,160.00
2911 MVLETF Congressional Mandate	45,000.00
4401 Public Works	267,056.22
9003 Custodial Holdings	3,288.00

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

RESOLUTION #09-12-23-15: Mr. Ditzler made a motion to approve the Reduction of Appropriations dated December 23, 2009 in the following funds:

2011 Motor Vehicle License Tax	\$50,366.34
2031 Road and Bridge	1,812,704.29
2081 Police District	4,965,258.29
2111 Fire District	3,034,424.84
2904 MVLETF Federal Law Enforcement	105,052.05
2908 Fire and Rescue Services	1,200.00
2909 APD Continuing Training	0

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2911 MVLETF Congressional Mandate	44,256.54
4401 Public Works	236,365.58
9003 Custodial Holdings	10,000.00

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

There being nothing further to come before the Board, the Meeting adjourned at 7:31 P.M.

_____ APPROVED

_____ DATED _____ SIGNED

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Phase 1**

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Drive Inc.**

**PAGE 6 R.T.Vernal Paving, Inc.
2010 Temporary Appropriations**

