

# AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO  
82 OHLTOWN ROAD  
AUSTINTOWN, OH 44515

## REGULAR MEETING OF AUGUST 14, 2017

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, August 14, 2017, 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 Richard Stauffer. Roll Call was as follows: Mr. Davis, present; Mr. Carano, present; and Mr. Stauffer, present.

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

**RESOLUTION #17-08-14-01:** Motion by Mr. Carano to approve the Minutes of the Regular Meeting of July 24, 2017.

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

### ADMINISTRATOR'S REPORT

#### DEPARTMENT BUSINESS

#### ROAD DEPARTMENT AND CEMETERY

July 2017 Monthly report received.

The 9-1-1 Park parking lot will be paved on Wednesday, August 16, 2017 and the road resurfacing will start on September 6, 2017 per Mike Dockry, Road Supervisor.

#### POLICE DEPARTMENT

July 2017 Monthly report received.

#### FIRE DEPARTMENT

July 2017 Monthly report received.

**RESOLUTION #17-08-14-02:** Motion by Mr. Davis to find the following fire gear obsolete or unfit for the use for which it was acquired, and that the property has no value, cannot be auctioned and may be discarded: 13 coats; 11 pairs of pants; 15 helmets and 29 pairs of boots.

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

## **ZONING DEPARTMENT**

July 2017 Monthly report received.

**RESOLUTION #17-08-14-03:** Motion by Mr. Davis to approve the following:

### **RESOLUTION**

The **Board of Trustees of Austintown Township, Mahoning County, Ohio**, meeting on **Monday, August 14, 2017**, did adopt the following Resolution:

**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 following properties constitute a nuisance and the property owners are hereby **ORDERED** to abate, control, or remove said nuisances:

208 North Beverly Avenue  
Parcel No. 48-024-0-150.000  
High grass and weeds;

4113 Burgett Road  
Parcel No. 48-111-0-006.000  
Fallen tree in yard area;

3956 Cannon Road  
Parcel No. 48-080-0-134.000  
Junk and debris along garage;

3967 Cannon Road  
Parcel No. 48-080-0-131.000  
High grass and weeds;

184 Carnegie Avenue  
Parcel No. 48-025-0-574.000

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**A fallen tree at Northside of property;**

**3401 Darbyshire Drive  
Parcel No. 48-113-0-128.000  
Pile of branches and cut shrubs alongside of home;**

**233 S Edgehill Avenue  
Parcel No. 48-012-0-235.000  
High grass and weeds;**

**3854 Eigen  
Parcel No. 48-009-0-182.000  
A used mattress and box spring stored in an exposed manner along duplex;**

**121 Main Street  
Parcel No. 48-025-0-515.000  
Used tires with junk and debris stored in an exposed manner along detached garage;**

**181 N Main Street  
Parcel No. 48-025-0-499.000  
Fallen tree damaged property;**

**233 North Main Street  
Parcel No. 48-024-0-412.000  
High grass and weeds;**

**236 N Main Street  
Parcel No. 48-024-0-374.000  
Piles of limbs and branches in front yard;**

**293 N Main Street  
Parcel No. 48-024-0-397.000  
High grass and weeds;**

**221 South Main Street  
Parcel No. 48-012-0-148.000  
High grass in rear, A/Ground pool with stagnate water,  
a black trash and tree limbs along home;**

**2550 S Meridian Road  
Parcel No. 48-004-0-169.000  
High grass and weeds in front and rear, rear over 3'.**

**2574 South Meridian Road**

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Parcel No. 48-004-0-168.000  
High grass and weeds;

4307 Maureen Drive  
Parcel No. 48-108-0-040.000  
Weeds at rear behind fence;

739 Notre Dame Avenue  
Parcel No. 48-110-0-094.000  
Used furniture and broken bags of trash stored in exposed manner at curb;

681 Notre Dame Avenue  
Parcel No. 48-110-0-085.000  
Junk and debris stored in an exposed manner in front of detached garage;

1116 Ohltown Road  
Parcel No. 48-047-0-024.000  
High grass and weeds;

111 Parkgate Ave (vacant)  
Parcel No. 48-011-0-324.000  
Dead tree limbs in front yard;

44 Rosemont Avenue  
Parcel No. 48-011-0-556.000  
Used wooden pallets stored in an exposed manner at rear property and trash bags stored in an exposed manner in ditch along northern property;

4277 Wedgewood Drive  
Parcel No. 48-104-0-012.000  
High grass and weeds in yard area;

209 Westminster Avenue  
Parcel No. 48-024-0-363.000  
High grass and junk and debris;

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

Carano, yes; and Mr. Stauffer, yes.

### **PARK DEPARTMENT**

July 2017 Monthly report received.

There are just 2 concerts remaining for the 2017 Summer Season; 7 – 8:30 P.M. per Park Supervisor, Todd Shaffer.

### **SENIOR CENTER**

July 2017 Monthly report received.

A nutrition class from OSU will be held for the Seniors at the Center per Jim Henshaw, Center Director.

### **FISCAL OFFICER**

**RESOLUTION #17-08-14-04:** Motion by Mr. Carano to Accept July Reports submitted to Board for review:

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

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

### **NEW BUSINESS**

**RESOLUTION #17-08-14-06:** Motion by Mr. Davis to approve advances from General Fund (1000) to: \$2,000.00 to Public Works (4401).

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

**RESOLUTION #17-08-14-07:** Motion by Mr. Davis to Not request a hearing on Notice to Legislative Authority – New Permit to Primo Properties, LLC, DBA Holiday Inn and Suites Austintown – 5555 Cerni Place, EXCL Pool Area; Austintown TWP Austintown, OH 44515. Permit Number 7085807, Permit Class D1. No objections from Police Chief Gavalier.

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

**RESOLUTION #17-08-14-08:** Motion by Mr. Carano to Not request a

hearing on Notice to Legislative Authority – New Permit to Primo Properties, LLC, DBA Holiday Inn and Suites Austintown – 5555 Cerni Place, EXCL Pool Area; Austintown TWP Austintown, OH 44515. Permit Number 70858070005, Permit Class D2. No objections from Police Chief Gavalier.

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

**RESOLUTION #17-08-14-09:** Motion by Mr. Davis to Not request a hearing on Notice to Legislative Authority – Economic Development Transfer Permit to Del Rancho, LLC DBA El Cowboy; 1739 S. Raccoon Rd., Ste. 4, Austintown TWP Youngstown, OH 44515. Permit Number 20225090005; Permit Class D5, D6 from Drano, Inc., DBA Danos Lakeside Pub; 3910 S. Main St. BSMT & Deck & 1<sup>st</sup> Floor, City of Green, Akron, OH 44319. Permit Number 2302074; Permit Class D5, D6. No objections from Police Chief Gavalier.

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

### **PUBLIC RESPONSE**

**OFF CAMERA:** None

**ON CAMERA:** Tony Revetti, Commander of the Disabled American Veterans Chapter #2 Youngstown is looking to start a Middle East War Memorial to be placed at the Wickliffe Circle Veterans Park. Any donation would be greatly appreciated and volunteers are welcomed. Call Tony at 330-506-2693 for more information.

David Ewing, Jr., Sr. Vice Commander of the Disabled American Veterans Chapter #2 Youngstown talked about the design of the monument as well as the possibility of having flag poles by the monument.

Ray Simon, a Youngstown artist known for his military themed paintings will design the painting (with porcelain tile) on the monument.

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

**FISCAL OFFICER LAURA L. WOLFE:** Nothing to add today

**TRUSTEE JAMES C. DAVIS:** The 9-1-1 Memorial service will be at the Memorial Park on 9.11.17 at 6:00 P.M.

Mr. Davis thanked Shawne Wilfong and June Galbreath on hosting 'Austintown Night Out' Event. He wished the best of luck to all athletes at

Austintown Fitch High School and mentioned Billy Price is close to setting record for most starts as OSU Buckeye – said he’s done Austintown Proud and wished him luck as well.

Mr. Davis praised Ray Simon for his paintings and donations to the community.

**TRUSTEE KENNETH A. CARANO:** Mentioned the economic development by the freeway and within the township. Said he’d noticed that Nordson on Ohltown Rd. is now advertising for employment opportunities. He sent out congratulations to Rick and Dale Basista for their work at the Woodside Community Gardens. He also congratulated Bill Klein and the Choir and commended Todd on the Park.

**TRUSTEE RICHARD A. STAUFFER:** Mentioned the noon meeting on 9/11/17 due to the evening ceremony taking place. Mr. Stauffer also congratulated Jim and Ken on their ‘running for office’ again. He also mentioned the activities going on in Charlottesville and reminded all to ‘be kind to others’.

**RESOLUTION #17-08-14-10:** Motion by Mr. Carano to recess to Executive Session at 6:45 P.M.:

- 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
- C. For a Conference with an attorney for the public body concerning disputes involving the public body that are the subject of imminent court action.

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

**RESOLUTION #17-08-14-11:** Motion by Mr. Davis to reconvene from Executive Session at 7:43 P.M.

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

**RESOLUTION #17-08-14-12:** Motion by Mr. Davis to permit the Disabled American Veterans Chapter #2 to erect a monument at the Veterans Park in the Wickliffe Circle on Township Property.

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

**RESOLUTION #17-08-14-13:** Motion by Mr. Carano to approve the following:

**RESOLUTION FOR THE EMPLOYMENT OF ADDITIONAL LEGAL COUNSEL**

WHEREAS, the Board of Township Trustees of Austintown Township, Mahoning County receives legal advice from the Mahoning County Prosecutor pursuant to R.C. Section 309.09(A); and

WHEREAS, the Board of Trustees of Austintown Township, Mahoning County believes that it is both advisable and necessary to employ additional legal counsel, other than the Mahoning County Prosecutor, to provide legal representation concerning the legal issues concerning the township's medical and prescription group coverage contract with OPEC-HC; and

WHEREAS, Ohio Revised Code Section 309.09(B)(1) permits the Township to employ additional legal counsel for such purposes and the firm of Isaac Wiles Burkholder & Teetor, LLC is willing to provide this advice to Austintown Township for the rate of \$250.00 per hour, plus out of pocket expenses including expert witness fee of \$350 an hour; and

WHEREAS, such attorney fees and expenses shall be shared with all other OPEC-HC members who join any existing or future litigation necessary to resolve our common legal issues; and

WHEREAS, the firm of Isaac Wiles Burkholder & Teetor, LLC has the background and experience to provide such specialized advice.

WHEREFORE, the Board of Trustees of Austintown Township, pursuant to R.C. Section 309.09, hereby employs the firm of Isaac Wiles Burkholder & Teetor, LLC, pursuant to their 4 page engagement contract, to provide legal advice and litigation representation on matters relating to the Township's medical and prescription group coverage contract with OPEC-HC at an hourly rate of \$250.00 per hour plus out of pocket expenses including expert witness fee of \$350 an hour and such fees and costs shall be limited to a maximum of \$10,000.

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



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**RESOLUTION #17-08-14-14:** Motion by Mr. Davis to approve 2% wage increases effective August 13, 2017 to Michael Dockry, Robert Gavalier, Andrew Frost and Darren Crivelli.


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

**RESOLUTION #17-08-14-15:** Motion by Mr. Davis to adjourn meeting at 8:01 P.M.

Mr. Carano seconded the motion. Roll Call Vote: Mr. Stauffer, yes; Mr. Davis, yes; and Mr. Carano, 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: 08.28.17



Fiscal Officer

Approved:

  
Chairperson Board of Trustees