

# AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO  
82 OHLTOWN ROAD  
AUSTINTOWN, OH 44515

## REGULAR MEETING OF APRIL 9, 2018

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, April 9, 2018, 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 James Davis. Roll Call was as follows: Mr. Davis, present; Mr. Carano, present; and Mr. Stauffer, present.

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

**RESOLUTION #18-04-09-01:** Motion by Mr. Stauffer to approve the Minutes of the Regular Meeting March 26, 2018.

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

Trustee Davis presented a proclamation to Youngstown fire-fighter Mark Kellerman for his quick actions in administering CPR to Raymond Housteau who suffered a heart attack while both were working out at a local gym earlier this year and as a result saved Mr. Housteau's life.

Wayla Evans from American National Insurance gave a presentation on the 'Keep it Local Austintown' program which was designed to bring local businesses together.

### ADMINISTRATOR'S REPORT:

#### DEPARTMENT BUSINESS

#### ROAD DEPARTMENT AND CEMETERY

March 2018 Monthly report received.

**RESOLUTION #18-04-09-02:** Motion by Mr. Carano to approve the bid from American Contractors, LLC of \$88,224.21 as the lowest and best bid for

the Westchester Phase 2 project.

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

**RESOLUTION #18-04-09-03:** Motion by Mr. Stauffer to approve Memorandum of Understanding between the Trustees of Austintown, Boardman and Canfield Townships regarding the 2018 Joint Paving Program – *see attached*.

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

**POLICE DEPARTMENT**

March 2018 Monthly report received.

**FIRE DEPARTMENT**

March 2018 Monthly report received.

**ZONING DEPARTMENT**

March 2018 Monthly report received.

**RESOLUTION #18-04-09-04:** Motion by Mr. Carano to approve the following:

**RESOLUTION**

The Board of Trustees of Austintown Township, Mahoning County, Ohio, meeting on Monday, April 09, 2018, 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:

3855 Frederick Street

Parcel No. 48-009-0-137.000

Junk and debris including engine parts on driveway and rear yard

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**1310 Orkney Road**

**Parcel No. 48-080-0-060.000**

**Junk and debris throughout yard with piles of tree branches;**

**1342 Orkney Road**

**Parcel No. 48-080-0-059.000**

**Junk and debris in rear and front yard;**

**6006 Yorktown Lane**

**Parcel No. 48-126-0-039.000**

**Raccoons living within the vacant dwelling;**

**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 Vote: Mr. Carano, yes; Mr. Davis, yes; and Mr. Stauffer, yes.**

**RESOLUTION #18-04-09-05: Motion by Mr. Carano to find the following motor vehicles meet all of the following criteria: 1) Three model years or older; 2) Apparently inoperable; and 3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission and to declare the following vehicles public nuisances under Ohio Revised Code 505.871 and order the removal of the junk vehicles within 14 days after noticed is served to the property owner:**

**3315 Black Oak Lane - An inoperable yellow van on blocks with an expired license plate (GKX 4878) parked in an exposed manner at the property;**

**4105 Pembroke Road - An inoperable white vehicle with a flat tire and an expired license plate (HCC 6744) parked in an exposed manner at the property;**

**3855 Frederick Street - An inoperable red SUV with an expired license (GTK 8215) parked in an exposed manner at the property; and**

**3647 Monaca Avenue - An inoperable and unlicensed black pick-up truck parked in an exposed manner on the grass at the property and an inoperable red pick-up truck with an expired license plate (GYE 2758) parked in an exposed manner at the property.**

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

#### **PARK DEPARTMENT**

March 2018 Monthly report received.

Park Supervisor, Todd Shaffer announced a Family Game Night will be held on Friday April 20, 2018 from 5:30 – 8:30 PM at the Stacey Pavilion.

#### **SENIOR CENTER**

March 2018 Monthly report received.

Senior Center Director, Jim Henshaw stated the Center has 2,072 members to date and that 1,500 of them are from Austintown. He also noted there will be a Tea Party and Fashion Show on May 5<sup>th</sup>, 2018 at 1:00 PM at the Center.

#### **FISCAL OFFICER**

**RESOLUTION #18-04-09-06:** Motion by Mr. Stauffer to Accept March's Reports submitted to Board for review:

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

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

#### **NEW BUSINESS**

**RESOLUTION #18-04-09-07:** Motion by Mr. Carano to NOT request a hearing on Notice to Legislative Authority – NEW Permit to Klafters, Inc. DBA Smoker Friendly #12, 1698 S Raccoon Rd., Units 2 & 3 Austintown, OH 44515, Permit Number 46894600010; Permit Class C1. No objections from Police Chief Gavalier.

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

**RESOLUTION #18-04-09-08:** Motion by Mr. Stauffer to NOT request a hearing on Notice to Legislative Authority – Transfer to Budapest Bar & Grille, LLC; DBA Budapest Inn, 3780 Mahoning Ave, Austintown TWP, Youngstown, Ohio 44515. Permit Number 1079060; Permit Classes D1, D2, D3, D3A From Villio, Inc. DBA Budapest Inn; DBA Budapest Inn, 3780 Mahoning Ave, Austintown TWP, Youngstown, Ohio 44515. Permit Number

9276624; Permit Classes D1, D2, D3, D3A.  
No objections from Police Chief Gavalier.

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

### **PUBLIC RESPONSE**

**OFF CAMERA: NONE**

**ON CAMERA:**

Ed Erdel; 3647 Highmeadow Drive

- Highmeadow Dr. is in terrible shape – he brought in a bucket of broken road – wants the TWP to repair the road ASAP – if not this year then next year.

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

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

**TRUSTEE KENNETH A. CARANO:**

- Early elections start tomorrow – can also request absentee ballot
- Please vote YES on Police Levy to ‘free up’ General Fund money
- April 16<sup>th</sup> at the Senior Center at 10:00 AM will be a gathering to name the bridge over Route 11 – please call ahead

**TRUSTEE JAMES C. DAVIS:**

- Parade applications will be going out on May 1<sup>st</sup> 2018
- Discussed events of 4<sup>th</sup> of July Celebration

**TRUSTEE RICHARD A. STAUFFER:**

- Please support the Police Levy – less money is coming in to the TWP – it’s becoming harder to support all current services
- As of the end of April – Rick is resigning his position as Trustee and is moving to Sharon, PA.
- Thanked residents for all of their support and understanding his journey

**RESOLUTION #18-04-09-09:** Motion by Mr. Carano to recess to Executive Session at 6:55 P.M.:

- a. To consider the appointment, employment, discipline, or compensation of public employees

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

**RESOLUTION #18-04-09-10:** Motion by Mr. Stauffer to reconvene from Executive Session at 7:39 P.M.

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

**RESOLUTION #18-04-09-11:** Motion by Mr. Carano to accept letter of resignation from Fire Fighter Ray Harnevious who will be retiring from the department as of June 15, 2018.

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

**RESOLUTION #18-04-09-12:** Motion by Mr. Stauffer to have the Home Depot employees designated as volunteer workers covered under OTARMA liability insurance while working at the Woodside property.

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

**RESOLUTION #18-04-09-13:** Motion by Mr. Carano to adjourn at 7:40 P.M.

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

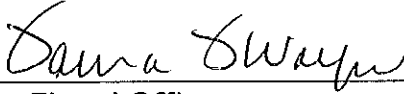
Mr. Davis, Member and Laura Wolfe, Chairperson open the meeting of the Austintown Records Commission at 7:45 P.M. for the purpose:

- a. To discuss development and update of current records retention and disposition schedule

Mr. Davis moved to approve the development and update of current Records Retention and Disposition Schedule. Ms. Wolfe seconded. Roll Call Vote: Mr. Davis, yes and Ms. Wolfe, yes.

Ms. Wolfe moved to adjourn meeting of the Records Commission at 7:50 P.M. Mr. Davis seconded the motion. Roll Call Vote: Ms. Wolfe, 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: 04-23-18   
Fiscal Officer

Approved:   
Chairperson Board of Trustees

*A Nice Place to Call Home*  
**BOARDMAN TOWNSHIP**

8299 Market Street • Boardman, Ohio 44512 • (330) 726-4177 • Fax: (330) 729-2054  
www.boardmantownship.com

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE TRUSTEES OF  
AUSTINTOWN, BOARDMAN AND CANFIELD TOWNSHIPS REGARDING  
THE 2018 JOINT PAVING PROGRAM**

This agreement is entered by and between the Board of Austintown Township Trustees (hereinafter referred to as "Austintown", The Board of Boardman Township Trustees (hereinafter referred to as "Boardman"), and the Board of Canfield Township Trustees (hereinafter referred to as Canfield").

Boardman desires to resurface "SEE ATTACHED" roads in Boardman Township, Ohio; Austintown desires to resurface "SEE ATTACHED" in Austintown Township, Ohio; and Canfield desires to resurface "SEE ATTACHED" in Canfield Township, Ohio (hereinafter referred to as "Project".)

Ohio Revised Code 5535.08 (C)(1) provides "[i]n nonemergency situations, any political subdivision having authority to construct, reconstruct, resurface, improve, repair, and maintain roads or streets may enter into an agreement, under terms agreeable to all parties, with any other political subdivision having that authority to obtain or provide road or street construction, reconstruction, resurfacing, improvement, repair, or maintenance services. The cost, if any, of services obtained under the agreement may be paid from general fund moneys of the political subdivision receiving the services or from any other funds available for the repair and maintenance of roads or streets within that political subdivision".

The parties desire to enter into an agreement for the joint construction and management of the Project and for the allocation of cost.

Each Township shall participate in the drafting and approval of the bid documents and shall share equally in the costs of advertisement of the Project.

Austintown and Canfield authorize Boardman to be the lead agent for the Project, and Boardman is authorized to bid and execute contracts and act as Chief Executive Officer for the Project.

The work to be performed on Austintown's roads, Boardman's roads, and Canfield's roads shall be bid by Boardman as separate bid schedules for each township.

Once the project is awarded in its entirety, each Township shall provide funds for the labor and material provided within its Township.

Each Township shall provide an inspector, at the respective Township's sole cost and expense, to inspect and approve the work performed on that Township's respective roads.



Provided that the work has been completed to each Township's satisfaction, each Township shall pay to the Contractor their respective share after submission of an invoice and proper documentation by the Contractor(s) to each individual Township.

Nothing contained herein shall operate to shift liability for maintenance and repair of the roads.

Nothing contained herein shall be deemed to be an acceptance by a Township of another Township's roads.

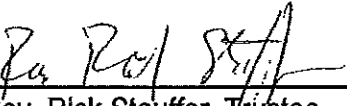
All Townships represented, warrant, and agree that they will comply with all applicable laws, rules and regulations including, but not limited to Ohio's competitive bidding and prevailing wage laws.

THEREFORE this agreement will be binding on and inure to the benefit of the parties and their respective administrators, legal representatives, successors, and assigns when permitted by this agreement. This agreement constitutes the sole and only agreement of the parties and supersedes any prior understanding or written or oral agreements between the parties respecting the subject matter hereof. This agreement may only be amended by the prior written agreement of both parties.

IN WITNESS WHEREOF, the parties caused this agreement to be executed by their respective officers with the intent to be legally bound thereby.

**AUSTINTOWN TOWNSHIP**

  
\_\_\_\_\_  
Jim Davis, Trustee

  
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Rev. Rick Stauffer, Trustee

  
\_\_\_\_\_  
Ken Carano, Trustee

**CANFIELD TOWNSHIP**

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Brian Governor, Trustee

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Marie Izzo-Cartwright, Trustee

\_\_\_\_\_  
Joe Paloski, Trustee

**BOARDMAN TOWNSHIP**

\_\_\_\_\_  
Tom Costello, Trustee

\_\_\_\_\_  
Brad Calhoun, Trustee

\_\_\_\_\_  
Larry Molliterno, Trustee

**MAHONING COUNTY ENGINEER**

\_\_\_\_\_  
Patrick T. Ginnetti, P.E., P.S.

Approved as to form:

\_\_\_\_\_  
Assistant County Prosecutor