

AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO
82 OHLTOWN ROAD
AUSTINTOWN, OH 44515

REGULAR MEETING OF JANUARY 28, 2019

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, January 28, 2019 at Town Hall, 82 Ohltown Road, Austintown, Ohio.

The meeting opened at 3:30 P.M. with a salute to the flag led by Chairperson Ken Carano. Roll Call was as follows: Mr. Davis, present; Mr. McGlynn, present; and Mr. Carano, present.

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

RESOLUTION #19-01-28-01: Motion by Mr. Davis to APPROVE Minutes of the Regular and Reorganizational Meeting of January 14, 2019 and Special meeting of January 22, 2019.

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

ADMINISTRATOR'S REPORT

Administrator, Mike Dockry spoke on the severe snow storm and advised that the road crew was out 27 hours in a 34-hour period (5:30 p.m. Saturday thru 3:30 a.m. Monday); being prepared for extreme colds and the availability of the Senior Center, Town Hall and the Stacey Pavilion during those times.

DEPARTMENT BUSINESS

ROAD DEPARTMENT AND CEMETERY

POLICE DEPARTMENT

Police Chief Gavalier stated the Police Department received a JAG grant of \$9,600 for computers and laptops.

FIRE DEPARTMENT

Chief Frost was absent

ZONING DEPARTMENT

RESOLUTION #19-01-28-02: Motion by Mr. McGlynn to approve the following:

RESOLUTION

The **Board of Trustees of Austintown Township**, Mahoning County, Ohio, meeting on **Monday, January 28, 2019**, did adopt the following Resolution:

WHEREAS: The Board of Trustees of Austintown Township has determined that the following properties constitute a public nuisance pursuant to Ohio Revised Code 505.87:

3701 Burkey Road

Parcel No. 48-007-0-026.000

A large amount of miscellaneous items, junk and debris stored in an exposed manner on front and rear of property including an opened unsecured detached rear structure;

3733 Mahoning Avenue

Parcel No. 48-010-0-058.000

A large amount of miscellaneous items, junk and debris stored in an exposed manner on the east and southside of building;

5705 Norquest Blvd.

Parcel No. 48-096-0-038.000

A chain link fence in disrepair has fallen abutting a number of properties located on Yorktown Lane;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Austintown Township that the above referenced properties constitute public nuisances and the property owners are hereby **ORDERED** to abate, control, or remove said nuisances. If said nuisances are not abated, controlled or provision for 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. Davis seconded the motion. Roll Call Vote: Mr. Carano, yes; Mr. McGlynn, yes; and Mr. Davis, yes.

RESOLUTION #19-01-28-03: Motion by Mr. McGlynn 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:

MINUTES – MEETING OF JANUARY 28, 2019

PAGE 3

1095 Yolanda Place - An inoperable white Cadillac with an expired license plate (GCT 9287) parked in an exposed manner within the driveway.

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

RESOLUTION #19-01-28-04: Motion by Mr. Davis to approve the minutes for Amendment 2018-05-Z-Steiner – see attached.

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

PARK DEPARTMENT

SENIOR CENTER

FISCAL OFFICER

RESOLUTION #19-01-28-05: Motion by Mr. Davis to Approve December 2018 Reports submitted to Board at the January 14, 2019 meeting.

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

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

NEW BUSINESS

RESOLUTION #19-01-28-06: Motion by Mr. McGlynn to approve Advances from General Fund (1000) to:

\$20,000.00 to Road (2031)
\$ 6,000.00 to Maintenance (6001)
\$32,000.00 to Communications (6002)
\$200,000.00 to Police (2081)

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

RESOLUTION #19-01-28-07: Motion by Mr. Davis to approve Credit Card Policy mandated by the State of Ohio – see attached

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

MINUTES – MEETING OF JANUARY 28, 2019

PAGE 4

RESOLUTION #19-01-28-08: Motion by Mr. Davis to appoint Doug McGlynn to the Mahoning Valley Sanitary District Advisory Council pursuant to and in accordance with ORC 6115.104 (A)

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

RESOLUTION #19-01-28-09: Motion by Mr. McGlynn to approve the 2019 budget for the Austintown-Boardman-Mahoning County Joint Communications District COG - \$438,900.00 to be received from the County.

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

RESOLUTION #19-01-28-10: Motion by Mr. Davis to approve the borrowing of \$500,000.00 in 2019 in anticipation of calendar year 2019 1st half tax collection.

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

RESOLUTION #19-01-28-11: Motion by Mr. McGlynn to authorize Township Administrator Michael Dockry to execute all documents concerning the borrowing of \$500,000 in anticipation of 1st half tax collections that was approved in Resolution #19-01-28-10.

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

RESOLUTION #19-01-28-12: Motion by Mr. Davis to increase Temporary Appropriation for Gasoline Tax- Fund 2021 to \$325,000.00 from \$275,000.00.

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

PUBLIC RESPONSE

OFF CAMERA: NONE

ON CAMERA:

Sam Swoger – 4492 Viall Rd.

- Commended the Township departments for their work
- Thanked fire Dept for their help on his 9-1-1 call – Lt. Marcum; Nick Reed, Ron Oyster and the EMTs

Jim Johnson – 53 S Kimberly

- Thanked Fire Dept for their help on his 9-1-1 call

REMARKS FROM THE BOARD MEMBERS

FISCAL OFFICER LAURA L. WOLFE:

- Continuing to work on Year-End Financial Reports

TRUSTEE KENNETH A. CARANO:

- Explained the process for snow removal
- Commented on the 'Drive it Home' in support of GM Lordstown
- Commented on the 'Rainy Day Fund' and said he will represent our township in talking with the Governor

TRUSTEE DOUGLAS C. MCGLYNN:

- Commented on snow storm
- Congratulated Sabrina Hunter – broke a lady Falcon's basketball record

TRUSTEE JAMES C. DAVIS:

- Also commented on snow removal
- Thanked the Regional Chamber, Steward Health, Chemical Bank for their sponsoring the meeting @ Hollywood Gaming

RESOLUTION #19-01-28-13: Motion by Mr. McGlynn to Recess to Executive Session at 4:25 P.M. for the following:

- 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

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

RESOLUTION #19-01-28-14: Motion by Mr. Davis to reconvene from Executive Session at 6:38 P.M.

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

RESOLUTION #19-01-28-15: Motion by Mr. McGlynn to adjourn meeting at 6:40 P.M.

Mr. Carano seconded the motion. Roll Call Vote: Mr. McGlynn, 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: 02-11-19

Sandra Swayze
Fiscal Officer

Approved:

Ronald A. Haran
Chairperson Board of Trustees

AUSTINTOWN TOWNSHIP CREDIT CARD ACCOUNT POLICY (2018)

PURPOSE

Ohio Revised Code Section 505.64 permits the Board of Trustees of Austintown Township to authorize an officer, employee, or appointee of Austintown Township to use a credit card account held by the Board. This Credit Card Account Policy is enacted to govern the use of any credit card accounts and their related presentation instruments, including credit cards and checks, by any and all people authorized by the Board to use a credit card account held by the Board of Trustees.

DEFINITIONS

1. "Authorized User" means an officer, employee, or appointee of Austintown Township that has received authorization to use a credit card account held by the Board of Trustees of Austintown Township.
2. "Board" means the Board of Trustees of Austintown Township, located in Mahoning County, Ohio.
3. "Credit Card Account" or "Account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. It **does not include** a procurement card account, **gasoline** or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.
4. "Credit Card" means a credit card related to a Credit Card Account held by the Township.
5. "Fiscal Officer" means the Austintown Township Fiscal Officer.
6. "Township" means Austintown Township, Mahoning County, Ohio.
7. "Policy" or "Credit Card Account Policy" means this policy and all exhibits, amendments, and supplements.

ARTICLE I. USE OF A CREDIT CARD ACCOUNT

Section 1. Authorized Users. The Board may authorize an officer, employee, or appointee to use a Credit Card Account from time to time. The list of people authorized to use a Credit Card Account, and their position with the Township, is contained on Exhibit A (the "Authorized User List") attached to this Policy. The Authorized User List should be updated by

the Board, its designated representative, or the Township Fiscal Officer each time a person is added or removed from such list.

Section 2. Authorized Expenses. The Board may expressly limit the terms of use of a Credit Card Account with each Authorized User at any time. Any Credit Card Account, regardless of Board approval, may only be used to purchases work-related goods and services incurred on behalf of the Township. Such work-related goods and services include, but are not limited to, gasoline for Township vehicles, meal allowances, and equipment purchased on behalf of a Township project in which the Authorized User is directly participating and involved.

No transaction may exceed \$2,500.00. In the event of an emergency, the Authorized User shall notify the Fiscal Officer of the need to spend an amount in excess of the limit. The required documentation for such transaction contained in this Policy shall be submitted to the Fiscal Officer no later than forty-eight (48) hours after the transaction.

Section 3. Unauthorized Expenses. Any purchase made beyond specific authorization limits imposed by the Board, if any, or what is authorized in this Policy, is an unauthorized expense. The use of a Credit Card Account for personal expenses is expressly prohibited. Personal expenses include those expenses that are not incurred as a direct result of the Authorized User's employment with the Township. Personal expenses include, but are not limited to, gasoline for personal vehicles, cash advances, any amount in excess of meal allowances, alcoholic beverages, tobacco, gambling, and personal goods.

Section 4. Guidelines for Acquisition, Use, and Management.

- A. **Acquisition.** The Board must authorize an individual to use a Credit Card Account before a person may become an Authorized User and acquire access to a Credit Card or other presentation instrument associated with a Credit Card Account. The Board may place limits on the authorization of use of a Credit Card Account at such time as a person receives authorization to use a Credit Card or any time thereafter, at the Board's discretion and upon notice to the Authorized User. Upon the Board's authorization, the person receiving authorization must sign a copy of the attached **Exhibit B**, acknowledging they received a copy of this Policy and agreeing to abide by it.
- B. **Permitted Uses.** Authorized Users may use a Credit Card Account for Authorized Expenses, as described in Article I, Section 2 of this Policy, incurred only by the Authorized User. An Authorized User may not transfer the Credit Card or purchase goods on behalf of any other person, regardless of whether the person is an employee of the Township or is purchasing goods or services for the Township.

Authorized Users may, unless otherwise prohibited by the Board, use a Credit Card in person, online, over the telephone, by mail, or through fax. **All purchases must be evidenced by an itemized receipt. If purchasing goods online, the Authorized User must use reasonable care and judgment regarding the authenticity and security of a website.**

- C. **Reasonable Care.** Authorized Users must use reasonable care when using a Credit Card.
- D. **Notification of Purchase.** Prior to using a Credit Card the Authorized User should make a good faith effort to notify the Board, their authorized representative, or the Fiscal Officer of the intended purchase.
- E. **Storage.** Authorized Users must take measures to ensure Credit Cards, checkbooks, and any other presentation instruments associated with a Credit Card Account are kept in a secure place at all times.
- F. **Receipts.** Original, itemized receipts must be submitted to the Fiscal Officer or the Fiscal Officer's designee as soon reasonably possible. The receipt should include the customer copy of the receipt, any invoice from the vendor, the cost of the goods or services purchased, and the date of the purchase. The Authorized User should also submit documentation verifying the purchase was made on behalf of the Township, if necessary to describe the purchase.
- G. **Return of Credit Card to Township.** The Authorized User, upon resignation, termination, or change in position within the Township shall return the Credit Card to the Fiscal Officer immediately. Additionally, the Credit Card shall be immediately returned if the Township revokes authorization to use the Credit Card or requests the return of the Credit Card.

If the Fiscal Officer retains possession of the Credit Cards, an Authorized User must return a Credit Card to the Fiscal Officer within a reasonable time after use. No Credit Card may remain signed out for a period longer than SEVENTY TWO hours.

Section 5. Liability. The Authorized User will be personally liable for reimbursing the Township for any of the following:

- A. Upon any official bond the Authorized User has given to the Township to reimburse the Township treasury the amount for which the Authorized User does not provide itemized receipts;

- B. Expenses charged to the Credit Card that are not documented and submitted to the Fiscal Officer or the Fiscal Officer's designee;
- C. Expenses that exceed the scope of the authorization allotted by the Board of the Authorized User's use of the Credit Card;
- D. Unauthorized expenses;
- E. Purchases the Authorized User allowed an unauthorized user to make;
- F. Any other purchases made with the Credit Card that are in violation of this Policy, and the amendments and supplements thereto.

The County Prosecutor is authorized and shall recover the amount of any unauthorized expenses incurred by an Authorized User who either uses a Credit Card, or allows another person to use a Credit Card, in an unauthorized manner and fails to immediately and voluntarily make restitution to the Township for the total amount of the unauthorized purchase(s). This section does not limit any other liability of the employee or officer who carried out the unauthorized use.

Section 6. Misuse. Using a Credit Card for Unauthorized Expenses, as the same are discussed in Section 3 of this Article I, constitutes misuse. Failing to submit receipts, or submitting incomplete information, within a reasonable time after making a purchase also constitutes misuse.

Any public servant, as the same is defined in §2921.01 of the Revised Code of Ohio who knowingly misuses a Credit Card will be subject to criminal prosecution pursuant to §2913.21 of the Revised Code of Ohio. Misuse of a Credit Card may result in disciplinary action up to and including termination.

Section 7. Issuing or Re-Issuing a Credit Card. A Credit Card should be issued or re-issued at the discretion of the Board. Upon the written request of an employee, prior Authorized User, or current Authorized User, the Board may re-issue a Credit Card.

Section 8. Cancellation and Stolen/Lost Credit Cards. An individual Credit Card connected to a Credit Card Account should be cancelled upon the determination of the Board.

In the event a Credit Card is lost or stolen, or the Authorized User has reason to believe a Credit Card is lost, stolen, or used in an unauthorized manner, the Authorized User shall immediately notify the Fiscal Officer or the Fiscal Officer's designee in person or by phone and in writing. The Fiscal Officer or the Fiscal Officer's designee must notify the card issuer immediately. The Authorized User must provide all necessary information

required by the Township or the card issuer relating to the disappearance of the Credit Card.

Section 9. Credit Card Account Limits. The credit limit on each Credit Card Account held by the Township is included on the attached Exhibit C incorporated herein by reference and should be updated upon any change of limits or additional credit lines.

ARTICLE II. RULES FOR TOWNSHIP CREDIT CARD ACCOUNTS

Section 1. Credit Card Account Instruments. The Township's name shall appear on each presentation instrument related to the Credit Card Account, including but not limited to Credit Cards and checks.

Section 2. Annual Report. The Fiscal Officer or the Fiscal Officer's designee annually shall file a report with the Board detailing all rewards received based on the use of the Credit Card Accounts.

Section 3. Payment. Debt incurred as a result of the legitimate use of a Township credit card shall be paid from moneys appropriated by the Board.

The following sections are meant to be selected based upon whether a township is a limited home rule township or statutory township and whether the Fiscal Officer retains general possession and control of a credit card account and the presentation instruments related to the account, including cards and checks.

SECTIONS TO BE INCLUDED IF THE FISCAL OFFICER <u>DOES NOT</u> RETAIN GENERAL POSSESSION AND CONTROL OF THE ACCOUNT AND INSTRUMENTS RELATED TO THE ACCOUNT, INCLUDING CREDIT CARDS AND CHECKS. NOT APPLICABLE TO AUSTINTOWN TOWNSHIP.

LIMITED HOME RULE TOWNSHIP:

Section 4. Compliance Officer. The compliance officer may not use a Credit Card Account and may not authorize any officer, employee, or appointee to use a Credit Card Account unless the Board is serving in the role of compliance officer. The Fiscal Officer is not eligible for appointment as compliance officer.

Section 5. Compliance Officer Duties. The compliance officer, if applicable, and the Board shall review the following, at least every six (6) months:

- A. the number of Credit Cards and Credit Card Accounts issued;
- B. the number of active Credit Cards and Credit Card Accounts issued;
- C. the expiration dates of the Credit Card(s) and Credit Card Account(s); and
- D. the credit limits of the Credit Card(s) and Credit Card Account(s).

STATUTORY TOWNSHIP:

Section 4. Administrative Duties. Each month the Fiscal Officer shall present a Credit Card Account transaction detail from the previous month to the Board. The Board shall review the Credit Card Account transaction detail and the chairperson of the Board shall sign an attestation stating the Board reviewed the Credit Card Account transaction detail.

END OF NON-APPLICABLE SECTION

IF THE FISCAL OFFICER **DOES** RETAIN GENERAL POSSESSION AND CONTROL OF THE ACCOUNT AND INSTRUMENTS RELATED TO THE ACCOUNT, INCLUDING CREDIT CARDS AND CHECKS. **APPLICABLE TO AUSTINTOWN TOWNSHIP.**

Section 4. Fiscal Officer Duties. The Fiscal Officer should use a system to sign out Credit Cards to Authorized Users and should keep records of when an Authorized User signs out and returns a Credit Card.

EXHIBIT B

Acknowledgement of Austintown Township Credit Card and Policy

I, _____, acknowledge that I have been authorized to receive an Austintown Township (the "Township") credit card to use for work-related purchases on behalf of the Township, and am hereby considered an "Authorized User". I have also received and read a copy of the Township Credit Card Policy (the "Policy") and agree to abide by all of the terms contained in the Policy. Further, I will immediately report any lost or stolen cards and return a credit card upon resignation, termination, or the request of the Board.

I understand the credit card may only be used for the purchase of goods and services on behalf of the Township, and that I will be held liable for any unauthorized purchases.

Name _____

Title _____

Date January 28, 2019

EXHIBIT C

CREDIT CARD ACCOUNT	ACCOUNT LIMIT
Visa – General – Fiscal Officer	\$5,000.00
Visa – General Administration	\$5,000.00
Visa – Road Dept.	\$5,000.00
Visa – Park Dept.	\$5,000.00
Visa – Senior Center	\$5,000.00
Visa – Fire Dept.	\$5,000.00
Visa – Police Dept.	\$10,000.00
Home Depot	\$2,204.00
Wal-Mart – Fire Dept.	\$7,000.00