

RECORD OF PROCEEDINGS

MINUTES OF THE

BOARD OF CANFIELD TOWNSHIP TRUSTEES

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Meeting held on September 12, 2017 at 7:00 PM

Canfield Township Trustees met in regular session in the Canfield Township Hall on Tuesday, September 12, 2017 at 7:00pm. Chairman Governor opened the meeting with the Pledge of Allegiance. Attendance sheet is available upon request.

In as much as these meetings are recorded, these minutes are to provide information of the most salient points, and are not intended to describe all conversations and testimony verbatim. Recording of the meetings are available for listening in the Township Hall, and a copy may be obtained upon request from the Fiscal Officer.

PUBLIC PRESENTATION

Chairman Governor recognized several residents regarding speeding issues in the Villa Rosa area noting concerns that their development is being used as a cut through from Shields Road and/or Tippecanoe Road. Major Jeff Allen, Mahoning County Sheriff's Department, explained what the department has been doing to address the issue. Pros and cons were discussed regarding ideas residents had to address the problem before someone gets hurt. The Sheriff's Department will continue to patrol the area. Mr. Governor asked Mr. Rogers to look into additional stop signs by revisiting ORC requirements. Ms. Cartwright asked Mr. Rogers to check with the County to see if they may have suggestions. Mr. Rogers advised that he will contact the prosecutor's office and if they approve, he has no problems installing additional stop signs throughout the development.

Major Allen presented his quarterly report, which was placed on file.

ATTENDANCE ROLL CALL

Chairman Governor requested that Carmen I. Heasley, Fiscal Officer, call the attendance roll:

Mr. Paloski	present
Ms. Cartwright	present
Mr. Governor	present

MINUTES: Chairman Governor requested corrections or additions to the special meeting minutes of July 26, regular meeting, special excessive session meeting and budget hearing meeting minutes of August 8, 2017. The minutes were approved as presented with suggested changes incorporated.

ADMINISTRATOR/ROAD SUPERINTENDENT REPORT: Mr. Rogers updated the Board on issues with the Mercedes Place project that is still waiting ODOT approval. The project should be out for bid next week. Mr. Governor has heard from residents expressing concern we may lose the grant. Mr. Rogers doesn't believe that we have any issues but will make calls tomorrow to make sure that doesn't happen.

Mr. Rogers updated the Board on the cement pad permit process for the generator to be installed at Fire Station III estimating it will take about two weeks to hear back from the county.

Mr. Rogers explained the collapse of a catch basin just west of Alpine Dr. and plans to add this to his OPWC presentation of the Starr Centre Phase II Project on September 19.

The park camera system is up and running at no expense to the Township. Mr. Rogers has set procedures in place to deal with the cameras for faster response. The Fiscal Officer discussed possibly using one cellphone hot spot at the park when service is needed at \$15.00 per month. The service can be turned on and off as needed at no additional cost to the Township. Mr. Governor noted conversation with Verizon and may have other possible ideas.

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Mr. Rogers reported on Eagle Scout Tanner Tsvetkoff that completed six benches for the park. The Fiscal Officer asked for a letter of value so she can run the donation thru the books.

The paving program, in conjunction with Boardman and Austintown, is scheduled to start on September 19.

Mr. Rogers reviewed the Whispering Meadows drainage issues. Mr. Governor and Ms. Cartwright would like the prosecutor's okay before we start working in the state right-a-way...just to make sure we have it in writing.

The Fiscal Officer addressed ABC Water District billing issues. The State Auditor's Office informed Boardman Township that they can't continue to run payments for ABC thru Boardman Township's books. That was the reason for the seed money sent last month. They also asked Albers & Albers (attorneys) to bill ABC Water direct and not the individual Townships. Our Township was not aware and continued to pay thru May. ABC billed the Township over \$7,000 in legal fees for May thru July. Ms. Heasley asked for a complete accounting of the May - July invoices, but did pay August legal expenses. She wanted the Board to be aware of this issue and that it is being worked on.

Ms. Cartwright noted a Craig's List advertisement; \$45.00 a month for open storage and overnight accommodations for campers in the Township on RT 224 at a motel which isn't zoned for either usage. The ads have been sent to the prosecutor's office. In the same area, a resident was selling lawn equipment from his front yard, however once Traci DeCapua, Zoning Inspector advised him of zoning regulations it appears that he has moved his equipment to the same motel.

Zoning minutes and the approval of those minutes was discussed at length. Mr. Rogers explained conversation with the prosecutor's office. Ms. Cartwright wants procedures written for zoning meetings including formal minute books which must be kept.

Mr. Governor noted that he was asked by Ms. Heasley to help with the Championship Court Street Lighting District. She originally thought that the residents were asking for lights on Championship Court, but instead they wanted lights up Legacy Drive which is a Township road with no homes and has an island. The residents thought that the Township would be responsible for installing lights up that road. Mr. Governor spoke with the prosecutor's office, noting that the Township is not obligated, but however if the Board determines that a lighting district is necessary for the public safety then we could do so, but that's not the case since the road is simply dark and no one lives on the road, which the Township has many roads that are simply dark. The gentleman that started the process stated that the residents are interested in paying for the cost of installation and maintenance of the lights, but the cost is needed. Mr. Governor noted that the developer is not interested in helping, but he will continue working on it.

Mr. Rogers reported that the Lakewood Villas will be brought in for final approval before the Zoning Commission this Thursday before it comes before this Board for approval. Mr. Rogers advised the Board that the developer wants to turn the road over to the Township for maintenance. He noted that if Zoning approves as submitted, he will not recommend acceptance of the road for maintenance. Mr. Governor moved to accept the administrator/road superintendent, public works and zoning reports as presented.

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FISCAL OFFICER'S REPORT: Chairman Governor called on the Fiscal Officer, Carmen I. Heasley, to present the financials. The Fiscal Officer reviewed warrants and electronic payments. Due to the necessary purchase of a tractor, she recommended several within fund reallocations to make funds available, noting that adjustments and purchase order will be processed during the meeting.

She also reviewed the lease to purchase agreement with Farmers National Bank to be signed during this meeting and the resolution to accept amounts and rates as determined by Mahoning County Budget Commission authorizing the necessary tax levies. She will certify and process the paperwork for both Farmers National and to the Mahoning County Auditor's Office.

The Fiscal Officer discussed available funds for possible additional investments. She is asking the Board to review reports to move on investments during the coming meeting of September 18.

Ms. Heasley explained balance left on one purchase order payable to Foust for catch basin repairs, asking the Board to review and let her know at the next meeting if they want the purchase order voided or used to repair additional basins. Ms. Cartwright thought that it would be best to continue with our basin repairs. The Fiscal Officer noted that the purchase order should be voided that will open the funds up to be used for material purchase. The report was accepted as presented.

OLD BUSINESS

RESOLUTION 2017-09-12-115

A RESOLUTION AUTHORIZING THE EXECUTION OF A \$132,472.00

ROAD EQUIPMENT LEASE PURCHASE AGREEMENT

WHEREAS, the Board of Township Trustees (the "Board") of Canfield Township, Ohio, (the "Township") previously authorized the purchase of a 2018 International 7400 cab, chassis, plow hitch and Gledhill plow from Rush Truck Centers at a cost of \$94,562.00, with the bed, hydraulics, spreader, lighting and wiring through Myers Equipment at a cost of \$37,910.00 (the "Equipment") for the Township; and

WHEREAS, the Board has determined it is in the best interest of the Township, to borrow money pursuant to Sections 133.15 and 505.262 of the Revised Code to finance the Township's purchase of the Equipment and to authorize the Fiscal Officer to enter into a Road Equipment Lease Purchase Agreement with The Farmers National Bank of Canfield to finance the purchase of such equipment; and

WHEREAS, the Fiscal Officer of the Township has certified that the final payment under the Lease Purchase Agreement is September 13, 2022, which date is not later than ten years after the date of the Lease Purchase Agreement; and

WHEREAS, the Fiscal Officer of the Township has certified that the Equipment financed from the proceeds of the Note authorized has an estimated life or period of usefulness of at least ten years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Canfield Township, Mahoning County, Ohio, as follows:

Section 1. This Board of Township Trustees hereby finds, determines and declares that:

(a) It is necessary and in the best interest of the Township to purchase the Equipment;

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- (b) Such Equipment is essential to the proper, efficient and economic operation of the Township and the welfare of its residents; and
- (c) It is necessary and in the best interest of the Township to finance the purchase and delivery of such equipment by entering into a Road Equipment Lease Purchase Agreement in the amount of \$132,472.00 with The Farmers National Bank of Canfield (the "Agreement").

This Board further determines and covenants, and has received the certification of the Mahoning County Auditor, that the debt service charge for the Agreement in the first year, together with the debt service charge for that same year for any other purchase or construction already undertaken pursuant to Section 505.262(A) of the Revised Code, does not exceed one-tenth of the Township's total revenue from all sources.

Section 2. The aggregate principal component of the rental payments under the Agreement shall not exceed \$132,472.00, and the interest component of the rental payments under the agreement shall accrue at a fixed rate of 2.37% per year. The rental payments shall be payable for a period not to exceed five (5) years in approximately ten equal semi-annual installments of \$14,139.39, The interest component of the rental payments shall be calculated on the basis of a 360-day year for the actual number of days each period.

The rental payments will be pre-pay able without penalty or premium at the option of the Board at any time prior to the end of the lease term. Prepayment prior to maturity shall be made by deposit with The Farmers National Bank of Canfield of the principal component of all remaining rental payments together with any accrued interest component to the date of prepayment.

The Agreement shall be signed in their official capacities by all three members of the Board and by the Fiscal Officer.

Section 3. The Fiscal Officer is authorized and directed to cause the Agreement to be prepared and to have the Agreement executed and delivered, together with a true transcript of the proceedings with reference to the Agreement, to The Farmers National Bank of Canfield upon receipt of the funds for the purchase of the Equipment. The aggregate of the principal component of all rental payments due under the Agreement (the "Obligations") is hereby designated as "qualified tax-exempt obligations" for purposes of §265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). In that connection, the Board hereby covenants that the Board (it having no "subordinate entities" with authority to issue obligations within the meaning of that Section of the Code), in or during the calendar year in which the Agreement is entered into (a) will not designate as "qualified tax-exempt obligations" any obligations, including the Obligations, in an aggregate principal amount in excess of \$10,000,000, and (b) will not issue tax-exempt obligations within the meaning of §265(b)(4) of the Code, including the Obligations and any qualified 501(c)(3) bonds as defined in §145 of the Code (but excluding obligations, other than qualified 501(c)(3) bonds, that are private activity bonds as defined in §141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code), in an aggregate principal amount exceeding \$10,000,000, unless the Board receives an opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not cause the Obligations to cease to be "qualified tax-exempt obligations". Further the Board represents and covenants that it has not formed or participated in the formation of, or benefited from or availed itself of, nor will it form, participate in the formation of or benefit from or avail itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3). The Board further represents that the Obligations are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

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Section 4. Any proceeds received from The Farmers National Bank in connection with the Agreement shall be used only for the purpose of paying the cost of purchasing the Equipment and any related shipping, delivery or installation costs, and all other costs incurred or incidental to those purposes, and are hereby appropriated for that purpose. Pursuant to law, the amounts of the revenues required to pay the rental payments under the Agreement are deemed to be appropriated and hereby are appropriated to pay those payments for the current fiscal year. This Board covenants that it will give effect to that appropriation, to the extent stated above, in all resolutions it hereafter adopts appropriating money for expenditure or encumbrance in this fiscal year and in any fiscal year the Agreement remains in effect.

Section 5. The levy by this Board of the specific taxes anticipated by the Agreement on all taxable property in this Township on the tax list and duplicate for the years 2017 through 2021 to be collected during calendar years 2018 through 2022 by resolutions adopted by this Board of Trustees pursuant to law, is acknowledged, confirmed and ratified. Those taxes are direct taxes during the period the Agreement will be outstanding, and are in an aggregate amount at least sufficient to provide funds to pay the principal component of and the interest component of the payments due under the Agreement at maturity and therefore are not less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. Those taxes have been computed, certified, levied and extended upon the tax list and duplicate for the year 2017 and will be for 2018 through 2021 for collection by the same officers, in the same manner and at the same times that all taxes for general purposes for the years are collected. The proceeds of the taxes anticipated are to be applied to the extent required and as provided in this Resolution to the payment of the principal component and the interest component of the rental payments under the Agreement. Pursuant to law, the amounts of the proceeds of those taxes required to pay the rental payments are deemed to be appropriated and hereby are appropriated or will be appropriated to pay the rental payments under the Agreement. This Board covenants that it will give effect to that appropriation, to the extent stated above, in all resolutions it hereafter adopts appropriating money for expenditure or encumbrance as long as the Agreement is outstanding.

Section 6. The Board covenants that it will restrict the use of the funds from the Agreement in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the execution and delivery of the Agreement, so that the Agreement will not constitute arbitrage bonds under §148 of the Code and the applicable income tax regulations pertaining thereto. The Fiscal Officer or any other officer having responsibility for entering into the Agreement, is, alone or in conjunction with any of the foregoing or with any other officer or employee of or consultant to the Board, authorized and directed to give an appropriate certificate of the Board, for inclusion in the transcript of proceedings for the Agreement, setting forth the reasonable expectations of the Board regarding the amount and use of all the funds received in connection with the Agreement and the facts and estimates on which they are based, all as of the date of execution and delivery of the Agreement. In order to obtain and preserve the exemption from federal income tax of interest component of the rental payments provided for in the Agreement, the Board further covenants that it will take all actions that may be required of the Board, and will not take any action which would adversely affect such exemption, under the provisions of any federal tax law that applies to the Agreement, whether presently in effect or enacted subsequent to the date of execution and delivery of the Agreement, specifically including, but not limited to, provisions requiring or pertaining to restricting the amount of proceeds invested at a higher yield than the yield on the Agreement, expending proceeds or portions thereof within the times provided, making reports to the United States, and the rebate of certain excess earnings from the investment of the proceeds to the United States. The Board hereby authorizes the Fiscal Officer and other appropriate officers to make any such rebate or rebates of such excess investment earnings and to take such other actions and give such certifications as may be appropriate for the purposes aforesaid.

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The Fiscal Officer is further authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Board with respect to the Agreement as the Board is permitted to or required to make or give under the Code, including, without limitation, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring enhancing or protecting favorable tax treatment or status of the Agreement or the interest component of the rental payments or assisting compliance with the requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine or paying excess earnings as rebate, as determined by the Fiscal Officer; and (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Board as may be appropriate to assure the exclusion of the interest component of the rental payments provided in the Agreement from gross income and the intended tax status of the interest component of the rental payments.

Section 7. The Board shall pay the rental payments required by the Agreement from the revenues to be received from local taxes or otherwise for the purpose of defraying the current operating expenses of the Township.

Section 8. The Fiscal Officer is directed to forward a certified copy of this Resolution to the County Auditor of Mahoning County.

Section 9. It is hereby found, determined and declared that all acts and conditions necessary to be done or to exist precedent to and in the execution and delivery of the Agreement in order to make it a legal, valid and binding obligation of this Board have been performed and exist, or will at the time of execution and delivery of the Agreement have been performed and exist, in regular and due form as required by law; and that the amount of indebtedness to be incurred by the execution of and delivery of the Agreement does not exceed any limitation of indebtedness as fixed by law.

Section 10. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including §121.22 of the Revised Code.

IT IS THEREFORE moved by Ms. Cartwright that the above Resolution be adopted. The Motion was seconded by Mr. Governor, and roll was called by the Fiscal Officer and voted as follows: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0. At this time, the Board signed the agreement between Farmers National Bank and Canfield Township.

NEW BUSINESS

RESOLUTION 2017-09-12-116

Salt Agreement with Canfield School

Mr. Governor moved to enter into the following agreement: WHEREAS, ORC 505.01 permits a Township to pass a resolution to enter into a contract, without advertising or bidding, for the purchase or sale of materials, equipment, or supplies from or to any department, agency or political subdivision of the state; WHEREAS, Canfield Township desires to enter into an agreement with the Canfield Local School District for the sale of 80 tons of sodium chloride (hereinafter "rock salt") for the 2017-2018 winter season at an agreed cost of \$31.56 per ton. In addition, the School shall pay the Township \$19.29 per truck load for

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the labor and equipment cost. The Motion was seconded by Mr. Paloski. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

RESOLUTION 2017-09-12-117

Canfield Wrestling Team

Mr. Paloski moved to approve a \$500.00 donation to the Canfield Wrestling Team, in exchange for their help during the Electronics Recycling event which will be held Saturday, September 23, 2017 at the Canfield Fairgrounds. The Motion was seconded by Mr. Governor. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

RESOLUTION 2017-09-12-118

Declare Cell Phones as Salvage

Mr. Governor moved to declare the following cell phones as salvage; (3) iPhone 5S phones from Keith Rogers, Traci DeCapua and Bob Burkett along with (2) protective cases and (3) Casio GzOne Ravine flip phones from the public works department. Verizon has replaced and updated these phones free of charge. The Motion was seconded by Mr. Paloski. Discussion: Mr. Governor noted that the phones will be given to the Mahoning County Sherriff for distribution to the elderly for 911 services. Ms. Cartwright noted that the phones being donated came from the administrator, zoning department and road department. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

RESOLUTION 2017-09-12-119

Hilltop Lawn & Garden, Inc.

Ms. Cartwright moved that because the cost to repair the Exmark tractor far exceeded the value of the mower, the Township will purchase one STC11-22V-22FX SCAG TIGER CAT II zero turn commercial riding mower thru the State of Ohio Purchasing Program from the low bidder - Hilltop Lawn & Garden, Inc., at a cost not to exceed \$7,760.00 to be utilized by the Public Works Department. Hilltop Lawn & Garden, Inc. has agreed to take the Exmark LHP27KC565 on trade offering \$1,060.00 therefore; bringing the final cost of the Tiger Cat to \$6,700.00 after trade-in. The Motion was seconded by Mr. Governor. Discussion: We will need to move funds within the road fund to pay for this tractor. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

RESOLUTION 2017-09-12-120

Reallocating of Appropriations

Mr. Paloski moved to approve moving \$4,095.78 from line #2141-330-230-0000 (Workers Comp) and \$2,024.22 from line #2141-330-420-0000 (Operating Supplies) to line #2141-760-740-0000 (Machinery, Equipment & Furniture) to bring the total available for appropriations to \$6,700.00.

#2141-330-230-0000 (Workers Comp)	\$4,095.78
#2141-330-420-0000 (Operating Supplies)	\$2,024.22
#2141-760-740-0000 (Machinery, Equipment)	\$ 580.00
Total	\$6,700.00

Since the funds are being moved within the Road Fund and the budget will not change, it is not necessary to get auditor approval. The Motion was seconded by Mr. Governor. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

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RESOLUTION 2017-09-12-121

Purchase Order

Mr. Governor moved to approve Purchase Order PO 30-2017 to encumber funds of the Township for the purchase of the STC11-22V-22FX SCAG TIGER CAT II zero turn commercial riding mower from Hilltop Lawn & Garden, Inc. for a total of \$6,700.00. The Motion was seconded by Mr. Paloski. Roll Call: Mr. Paloski, yes; Mrs. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

RESOLUTION 2017-09-12-122

Warrants & Electronic Payments

Mr. Governor moved to approve Warrants #11942 thru #12007 electronic payments 309-2017 thru 360-2017 as general & payroll obligations of the Township in the amount of \$107,747.26. The Motion was seconded by Ms. Cartwright. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

RESOLUTION 2017-09-12-123

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Revised Code Sections 5705.34-5705.35

Ms Cartwright moved the adoption of the following Resolution:

RESOLVED, By the Board of Trustees of Canfield Township, Mahoning County, Ohio, in accordance with the provisions of law has previously adopted a Tax Budget or has been granted the authority by the Mahoning County Budget Commission to waive this requirement for the next succeeding fiscal year commencing January 1, 2018; and

WHEREAS, The Budget Commission of Mahoning County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill limitation; therefore, be it

RESOLVED, By the Board of Trustees of Canfield Township, Mahoning County, Ohio, that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, that there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation. The Motion was seconded by Mr. Governor. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

Trustees Comments: Mr. Governor asked the Board to review estimates that Mr. Rogers has obtained on hall renovations - bathrooms remodeling; power washing and painting the Township hall to be prepared to act on them at the next meeting.

Next Meeting Dates: The next regular meetings of the Board will be held on October 10 and 24 at 7pm. A special Public Works Department workshop will be held on Monday, September 18 at 8:30am to 10am and following this meeting, we'll enter into special regular meeting to conduct a budget workshop that will be advertised to deal with any issues that may arise. The Trustees will hold an Informational Public Meeting to Discuss Proposed/Pending Annexations on September 13 at 6pm, Millcreek MetroParks.

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RESOLUTION 2017-09-12-124

Executive Session

Mr. Governor moved in accordance with ORC 121.22 to adjourn into executive session at 9:09pm to discuss pending or imminent court action. The Motion was seconded by Mr. Paloski. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

The Board re-enter public meeting from Executive session at 9:42pm.

ADJOURNMENT

With no further business before the Board, Chairman Governor adjourned the meeting at 9:43pm.

Mr. Brian W. Governor, Chairman

Ms. Marie Izzo Cartwright, Trustee

Mr. Joseph N. Paloski, Vice-Chairman

Ms. Carmen I. Heasley, Fiscal Officer

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