

August 14, 2012

Mr. Gerberry called the meeting to order.

Roll call: H. Gilson Blair - present Steven J. Gerberry – present
 Marvin J. McBride - absent Fred R. Bobovnyk – present

Correspondence/Announcements:

- There is a preconstruction meeting Tuesday August 21, 2012 at 9 am at the ODOT District 4 office. Improvements to Rout 46 will be discussed including relocation of the signal at Stewart St. and replacing the signal at the Fire Department.

Financial Report –Fred Bobovnyk

1. Monthly report was given to the Board
2. Drawing of warrants
3. Transfer (1)
4. Minutes (1 set)
5. Approve Then and Now

Administrator’s Report – Dave Pugh

Administrator Report

Date
 Aug. 14, 2012

Cemetery Report

In the month of July

Funerals	Opening & Closings		Sales
Resident	2	\$400.00	\$850.00
Non-Resident	2	\$500.00	\$0.00
Saturday Funerals			
Revenue Total	4	\$900.00	\$850.00
Total Revenue		\$1,750.00	
Total Cost	36 hours		
	0 ot hrs		

Road Dept. Report

Last month we did the Following:

Checked Signs	1 days	
Cold Patched	3 days	
Cut Grass	10 days	
Ditching or roadside cutting	3 days	
Plow snow man-hours	hours	OT hours
Installed pipe	60 feet	
Vacation hours	120 hours	

August 14, 2012

Zoning Report – Dave Pugh

**WEATHERSFIELD TOWNSHIP ZONING OFFICE
MONTHLY REPORT · July 2012**

- I. TOTAL – 25
 - Permits – 7
 - Zoning – 7
 - Gas/Oil Well – 0
 - Occupancy – 0
 - Road Cut - 0
 - NCU – 0
 - Violations/Complaints – 6
 - Vehicles – 5
 - Debris – 1
 - Prop. Maint. & high grass – 0
 - Other – 0
 - Variances – 0
 - Conditional Use Permits – 0
 - Zone Change Petitions – 0
 - Zoning Amendments – 0
 - Replat Petitions – 0
 - General Inquiries – 12
 - Other Misc. – 0
 - Appeal - 0

II. FEES COLLECTED (See attachment I and II)

Zoning Permit Fees	\$ 256.25	Value (\$): 47,335.00
Occupancy Permit Fees	\$ 0.00	
C.U.P Application Fees	\$ 0.00	
Variance Application Fees	\$ 0.00	
Zone Change Fees	\$ 0.00	
Special Hearing Fees	\$ 0.00	(<i>appeal and conditional use hearing</i>)
Zoning Maps - Full	\$ 0.00	# Sold 0
Zoning Maps - Neighborhood	\$ 0.00	# Sold 0
Zoning Maps - Index	\$ 0.00	# Sold 0
Zoning Regulation Book	\$ 0.00	# Sold 0
Copies	\$ 0.00	# Sold 0
Misc. Fees	\$ 0.00	Road Cut Permit
TOTAL:	\$ 256.25	

III. ZONING COMMISSION MEETING June 11, 2012
The business meeting was cancelled.

IV. BOARD OF ZONING APPEALS June 12, 2012
A public hearing was held for a variance and conditional use permit for property at 1780 and 1806 Niles Warren River Rd., Niles in Weathersfield Township.

V. OPEN COMPLAINTS/VIOLATIONS – There are twenty five (25) open violation cases.

VI. HEALTH DEPARTMENT – There are () open cases involving properties in Weathersfield Township.
Septic – 0
Health – 0

VII. NILES MUNICIPAL COURT – Complaints
There are (2) case(s) pending at this time.

VIII. TRUMBULL COUNTY COMMON PLEAS COURT – Appeals/Lawsuits
There is (0) case(s) pending at this time.

August 14, 2012

Police Report – Chief Joe Consiglio

**WEATHERSFIELD TWP POLICE DEPT
1451 PROSPECT ST.
MINERAL RIDGE, OH 44440**

Arrests
Charge
RMS Statistics for Month: 07 Year: 2012

Code	Description	Count
		16
2911.21	CRIMINAL TRESPASS	6
2911.211	AGGRAVATED TRESPASS	2
2913.02(A)(1)	PETTY THEFT	1
2913.51	RECEIVING STOLEN PROPERTY	1
2917.11	DISORDERLY CONDUCT	1
2919.25(A)	DOMESTIC VIOLENCE	3
2921.13	FALSIFICATION	1
2921.31	OBSTRUCTING OFFICIAL BUSINESS	2
2921.32	OBSTRUCTING JUSTICE	1
2921.33	RESISTING ARREST	1
2923.24	POSSESSING CRIMINAL TOOLS	1
2925.11	DRUG ABUSE	4
2925.12	POSSESSION OF DRUG ABUSE INSTRUMENTS	3
2925.14	DRUG PARAPHERNALIA	5
2925.14(C)(1)	DRUG PARAPHERNALIA	1
4301.62(B)(4)	OPEN CONTAINER IN MOVING VEHICLE	1
4511.19(A)(1)	DRIVING UNDER THE INFLUENCE	7
4511.19(A)(8)	DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL/DRUGS .17 OF 1 GRAM OR MORE BY WEIGHT	2
955.11	CONFINEMENT AND RESTRAINT OF DOG	1
WAR	WARRANT SERVICE	1
	** TOTAL **	61

**WEATHERSFIELD TWP POLICE DEPT
1451 PROSPECT ST.
MINERAL RIDGE, OH 44440**

Citations
Charge
RMS Statistics for Month: 07 Year: 2012

Code	Description	Count
4503.11(A)	EXPIRED TAGS-ANNUAL RENEWAL	3
4503.12	FAILURE TO REMOVE TAGS AFTER SELLING	1
4503.21	DISPLAY OF LICENSE PLATES	1
4510.11(A)	DRIVING UNDER SUSPENSION	14
4510.14	DRIVING UNDER OVI SUSPENSION	2
4510.16	FRA SUSPENSION	10
4510.21	OPER. BEFORE COMPLY WITH REINSTATEMENT	1
4511.12	OBEYING TRAFFIC CONTROL DEVICES	7
4511.19(A)(1)	DRIVING UNDER THE INFLUENCE	3
4511.19(A)(1)-A	DRIVING UNDER THE INFLUENCE - PRIOR	1
4511.19(A)(1)-B	DRIVING UNDER THE INFLUENCE - TWO PRIORS	1
4511.19(A)(1)-D	PRIOR FELONY - DRIVING UNDER THE INFLUENCE - 4 OR MORE PRIORS	2
4511.20	RECKLESS OPERATION OF VEHICLES	1
4511.21	SPEED LIMITS	1
4511.21	SPEEDING	29
4511.25	LEFT OF CENTER	1
4511.29	DRIVING TO LEFT OF CENTER	2
4511.33(A)	DRIVING IN MARKED LANES	1
4511.34	SPACE BETWEEN MOVING VEHICLES	1
4511.71	PROHIBITION DRIVING UPON CLOSED HIGHWAY	2
4511.81	CHILD RESTRAINT SYSTEM REQUIRED	2
4513.02	UNSAFE VEHICLES	1
4513.263(B)(1)	SEATBELT DRIVER	3
4549.08	FICTIOUS PLATES	1
	** TOTAL **	91

**WEATHERSFIELD TWP POLICE DEPT
1451 PROSPECT ST.
MINERAL RIDGE, OH 44440**

Crashes
Type
RMS Statistics for Month: 07 Year: 2012

Type	Count
Highway Injury	3
Highway PDO	8
** TOTAL **	11

August 14, 2012

WEATHERSFIELD TWP POLICE DEPT
1451 PROSPECT ST.
MINERAL RIDGE, OH 44440

Incident Reports
Type
 RMS Statistics for Month: 07 Year: 2012

Offense	Offense Code	Count
AGGRAVATED BURGLARY	2911.11(A)(1)	1
AGGRAVATED MENACING	2903.21	1
AGGRAVATED TRESPASS	2911.211	1
ARSON	2909.03(A)(3)	1
ASSAULT	2903.13	1
ASSAULT	2903.13(A)	3
ASSIST POLICE DEPARTMENT	APD	1
ATTEMPTED SUICIDE	AS	1
BREAKING AND ENTERING	2911.13	1
BREAKING AND ENTERING - COMMIT THEFT OFFENSE	2911.13A	1
BURGLARY	2911.12	5
BURGLARY	2911.12(A)(3)	2
CONFINEMENT AND RESTRAINT OF DOG	955.11	2
CRASH - INJURY	C4	1
CRASH - NO INJURY - OR PROPERTY DAMAGE	C2	3
CRIMINAL DAMAGING	2909.06(A)(1)	3
CRIMINAL DAMAGING	2909.06(A)(2)	1
CRIMINAL MISCHIEF	2909.07	1
CRIMINAL MISCHIEF	2909.07(A)(1)	4
CRIMINAL TRESPASS	2911.21	4
CUSTODY DISPUTE PROBLEMS	CUS	1
DISOBEY TRAFFIC CONTROL	4511.43	1
DISORDERLY CONDUCT	2917.11	1
DISRUPTING PUBLIC SERVICES	2909.04(A)(1)	1
DOG BITE	DB	1
DOMESTIC DISPUTE	DD	1
DOMESTIC VIOLENCE	2919.25(A)	8
DOMESTIC VIOLENCE	2919.25(B)	1
DOMESTIC VIOLENCE - KNOWINGLY CAUSE PHYSICAL HA	2919.25A	1
DRIVING UNDER SUSPENSION	4510.11(A)	3
DRIVING UNDER THE INFLUENCE	4511.19(A)(1)	5
DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL/DR	4511.19(A)(8)	2
DRUG ABUSE	2925.11	3
DRUG PARAPHERNALIA	2925.14	4
DRUG PARAPHERNALIA	2925.14(C)(1)	1
EXPIRED TAGS-ANNUAL RENEWAL	4503.11(A)	1
FAIL TO RESTAIN VICIOUS DOG	955.22	1
FAILURE TO COMPLY WITH ORDER OR SIGNAL OF POLICE	2921.331	1
FAILURE TO DIM LIGHTS	4513.15(A)	1
FAILURE TO REMOVE TAGS AFTER SELLING	4503.12	1
FALSIFICATION	2921.13	1
FICTIOUS PLATES	4549.08	1
FRA SUSPENSION	4510.16	1
HARASSMENT	HAR	1
IDENTITY FRAUD - OBTAIN, POSSESS, OR USE TO REPRES	2913.49(B)(2)	1
INTOXICATED PERSON	ITX	1
JUVENILE - INCORRIGIBLE, HABITUALLY DISOBEDIENT	2151.022A	1
LANES OF TRAVEL UPON ROADWAYS: UPON ALL ROADWA	4511.25	4
MISUSE OF CREDIT CARD	2913.21	1
NEIGHBORHOOD PROBLEM	NP	1
OBSTRUCTING JUSTICE	2921.32	1
OBSTRUCTING OFFICIAL BUSINESS	2921.31	1
OPEN CONTAINER IN MOVING VEHICLE	4301.62(B)(4)	1
PETTY THEFT	2913.02(A)(1)	4
PETTY THEFT	2913.02(A)(2)	2
POSSESSING CRIMINAL TOOLS	2923.24	1
POSSESSION OF DRUG ABUSE INSTRUMENTS	2925.12	3
POSSESSION OF DRUGS - SCHEDULE I,II	2925.11(C)(1)(a)	1
POSSESSION OF DRUGS - SCHEDULE I,II	2925.11(C)(1)(b)	1
POSSESSION OF DRUGS - SCHEDULE III,IV	2925.11(C)(2)(a)	1

WEATHERSFIELD TWP POLICE DEPT
1451 PROSPECT ST.
MINERAL RIDGE, OH 44440

Incident Reports
Type
 RMS Statistics for Month: 07 Year: 2012

Offense	Offense Code	Count
RECEIVING STOLEN PROPERTY	2913.51	1
RECKLESS OPERATION OF VEHICLES	4511.20	1
RECOVERED PROPERTY	RP	1
RESISTING ARREST	2921.33	1
RULES FOR DRIVING IN MARKED LANES	4511.33	1
SEATBELT DRIVER	4513.263(B)(1)	1
SPEED LIMITS	4511.21	1
SUSPICIOUS ACTIVITY	SPA	2
SUSPICIOUS VEHICLE	SPV	2
TELEPHONE HARASSMENT	2917.21	1
TELEPHONE HARASSMENT	2917.21(A)(3)	1
TELEPHONE HARASSMENT	2917.21(A)(5)	3
TELEPHONE HARASSMENT	2917.21A3	2
THEFT	2913.02(A)	1
THEFT - WITHOUT CONSENT	2913.02A1	3
THEFT (IF DATA ELEMENT 20 PROPERTY DESC. IS A: MOTO	2913.02	2
THEFT FROM ELDERLY	2913.02(B)(3)	1
TURN AND STOP SIGNALS	4511.39	1
UNAUTHORIZED USE OF VEHICLE	2913.03(B)	1
UNSAFE VEHICLE	4513.02	1
UNWANTED PERSON (S)	UW	1
WARRANT SERVICE	WAR	17
WELFARE CHECK	WLC	1
** TOTAL **		153

August 14, 2012

Fire Report – Chief Randy Pugh

District Summary							
June 2012							
District	Situation Type	Dollar Loss	# of Incid's	F.S. Injury	Civ. Injury	F.S. Death	Civ. Death
40	142	Brush, or brush and grass mixture fire	1	0	0	0	0
40	143	Grass fire	2	0	0	0	0
	Totals for All Fires in District:		3	0	0	0	0
40	651	Smoke scare, odor of smoke	1	0	0	0	0
40	661	EMS call, party transported by non-fire	7	0	0	0	0
40	700	False alarm or false call, other	1	0	0	0	0
40	746	Carbon monoxide detector activation, no	1	0	0	0	0
	Totals for All Non-Fire in District:		10	0	0	0	0
	Totals for All Incidents in District		13	0	0	0	0
41	130	Mobile property (vehicle) fire, other	1	0	0	0	0
41	142	Brush, or brush and grass mixture fire	1	0	0	0	0
	Totals for All Fires in District:		2	0	0	0	0
41	322	Vehicle accident with injuries	2	0	0	0	0
41	463	Vehicle accident, general cleanup	1	0	0	0	0
41	531	Smoke or odor removal	1	0	0	0	0
41	551	Assist police or other governmental agen	1	0	0	0	0
41	553	Public service	1	0	0	0	0
41	561	Unauthorized burning	2	0	0	0	0
41	651	Smoke scare, odor of smoke	1	0	0	0	0
41	661	EMS call, party transported by non-fire	10	0	0	0	0
41	700	False alarm or false call, other	3	0	0	0	0
41	735	Alarm system sounded due to malfunction	1	0	0	0	0
41	745	Alarm system sounded, no fire - unintent	1	0	0	0	0
	Totals for All Non-Fire in District:		24	0	0	0	0
	Totals for All Incidents in District		26	0	0	0	0
42	111	Building fire	1	0	0	0	0
	Totals for All Fires in District:		1	0	0	0	0
42	531	Smoke or odor removal	1	0	0	0	0
42	561	Unauthorized burning	1	0	0	0	0
42	651	Smoke scare, odor of smoke	1	0	0	0	0
42	661	EMS call, party transported by non-fire	5	0	0	0	0
	Totals for All Non-Fire in District:		8	0	0	0	0
	Totals for All Incidents in District		9	0	0	0	0
Grand Total for All Incidents			48	0	0	0	0

August 14, 2012

District Summary

July 2012

District	Situation Type	Dollar Loss	# of Incid's	F.S. Injury	Civ. Injury	F.S. Death	Civ. Death
40	322 Vehicle accident with injuries		2	0	0	0	0
40	352 Extrication of victim(s) from vehicle		1	0	0	0	0
40	520 Water problem, other		1	0	0	0	0
40	553 Public service		1	0	0	0	0
40	561 Unauthorized burning		1	0	0	0	0
40	611 Dispatched & canceled en route		1	0	0	0	0
40	661 EMS call, party transported by non-fire		6	0	0	0	0
40	814 Lightning strike (no fire)		1	0	0	0	0
	Totals for All Non-Fire in District:		14	0	0	0	0
	Totals for All Incidents in District		14	0	0	0	0
41	111 Building fire		2	0	0	0	0
41	130 Mobile property (vehicle) fire, other		1	0	0	0	0
41	142 Brush, or brush and grass mixture fire		1	0	0	0	0
41	154 Dumpster or other outside trash receptac		1	0	0	0	0
	Totals for All Fires in District:		5	0	0	0	0
41	322 Vehicle accident with injuries		4	0	0	0	0
41	323 Motor vehicle/pedestrian accident (MV Pe		2	0	0	0	0
41	342 Search for person in water		1	0	0	0	0
41	412 Gas leak (natural gas or LPG)		1	0	0	0	0
41	444 Power line down		5	0	0	0	0
41	511 Lock-out		1	0	0	0	0
41	531 Smoke or odor removal		1	0	0	0	0
41	651 Smoke scare, odor of smoke		1	0	0	0	0
41	661 EMS call, party transported by non-fire		12	0	0	0	0
41	745 Alarm system sounded, no fire - unintent		1	0	0	0	0
	Totals for All Non-Fire in District:		29	0	0	0	0
	Totals for All Incidents in District		34	0	0	0	0
42	112 Fires in structures other than in a buil		1	0	0	0	0
	Totals for All Fires in District:		1	0	0	0	0
42	322 Vehicle accident with injuries		1	0	0	0	0
42	342 Search for person in water		2	0	0	0	0
42	444 Power line down		1	0	0	0	0
42	511 Lock-out		1	0	0	0	0
42	661 EMS call, party transported by non-fire		7	0	0	0	0
	Totals for All Non-Fire in District:		12	0	0	0	0
	Totals for All Incidents in District		13	0	0	0	0
	Grand Total for All Incidents		61	0	0	0	0

August 14, 2012

Attorney’s Report – Atty. Dan Daniluk and Atty. Doug Ross

ATTORNEYS’ REPORT

TO: MR. STEVEN J. GERBERRY, TRUSTEE
 MR. MARVIN MCBRIDE, TRUSTEE
 MR. GIL BLAIR, TRUSTEE
 MR. FRED R. BOBOVNYK, FISCAL OFFICER
 MR. DAVID E. PUGH, TOWNSHIP ADMINISTRATOR

FROM: DANIEL P. DANILUK, ESQ.
 DOUGLAS W. ROSS, ESQ.

DATE: August 1, 2012

Below is an updated summary of all active Township litigation files:

1. Weathersfield Township v. W. Richard Mattessich

A hearing on all pending motions was held before Magistrate McCarthy on Friday, June 29, 2012. Magistrate McCarthy will review the motions with Judge Logan. The parties are waiting for rulings from the Court on the various motions.

2. Christopher Hall, et al. v. Kris W. Hodge

A final pretrial was rescheduled to October 25, 2012 at 9:45 am, and Trial remains scheduled for November 5, 2012 at 9:00 am. Captain Naples was deposed by plaintiff’s counsel July 26, 2012. The deposition was defended by our office and Abe Kantor.

3. Richard Mattessich v. Weathersfield Township, et al.

This case may be consolidated with the other pending Mattessich lawsuit. On May 29, 2012, Attorney Cantor filed a 30 day extension of time to answer the complaint. The Answer was filed June 29, 2012. A first status conference is scheduled for August 9, 2012 at 8:30 am before Judge McKay.

If you have any questions or comments regarding this Attorneys’ Report or any pending Township legal matters, please feel free to contact us.

Sincerely,

Daniel P. Daniluk, Esq.

Douglas W. Ross, Esq.

New Business:

12-086
Consent
Agenda

Mr. Blair made a motion to approve the consent agenda, which includes the following:

- Drawing warrants upon our treasury and paying township bills
- Minutes of the Regular Meeting on July 10, 2012
- Then and Now per list provided

	<u>THEN</u>	<u>NOW</u>	<u>AMOUNT</u>
Treasurer of State	07/01/12	08/01/12	\$3,726.90

Mr. Gerberry seconded the motion.

Vote: Mr. Blair - yes

Mr. Gerberry – yes

Motion carried.

August 14, 2012

12-087 Mr. Blair made a motion to transfer \$25,000 from the General Fund to the
 Transfer Road and Bridge Fund eff. 07/19/12.
 Mr. Gerberry seconded the motion.
 Vote: Mr. Blair - yes Mr. Gerberry – yes
 Motion carried.

12-088 Mr. Blair made a motion to accept the resignations from the Weathersfield
 resignations Township Fire Department of Lt. Todd Allen from Station 40 effective
 T Allen and 09/01/12 and Fire Fighter Tim Larman from Station 41 effective 08/10/12.
 T Larman Mr. Gerberry seconded the motion.
 Vote: Mr. Blair - yes Mr. Gerberry – yes
 Motion carried.

12-089 Mr. Blair made a motion to adopt the attached resolution authorizing the
 Moving OH Township to participate in the Trumbull County Land Reutilization
 Forward Corporation Moving Ohio Forward Grant Program.
 Grant

Whereas Weathersfield Township is officially designating \$ 5000.00 as local matching funds for the Trumbull County Land Reutilization Corporation Moving Ohio Forward Grant Program and;

Whereas Weathersfield Township agrees to enter into a sub-recipient agreement with the Trumbull County Land Reutilization Corporation for the purposes of implementing the Moving Ohio Forward Grant Program and shall abide by the rules, regulations and requirements of the program as detailed in the sub-recipient agreement and;

Whereas Weathersfield Township designates David E. Pugh as the authorized signatory for the sub-recipient agreement to be executed by and between the Trumbull County Land Reutilization Corporation and Weathersfield Township and;

Whereas, the aforementioned authorized signatory is also authorized to sign and execute all other required documentation during and necessary for the implementation of the Moving Ohio Forward Grant Program and;

Whereas Weathersfield Township designates David E. Pugh as the Moving Ohio Forward Grant Program Project Manager.

Mr. Gerberry seconded the motion.
 Vote: Mr. Blair - yes Mr. Gerberry -yes
 Motion carried.

12-090 Mr. Blair made a motion to authorize the Fiscal Officer to advertise for bids for a fire truck
 advertise for Weathersfield Township Fire Department Station 42 pursuant to Ohio Revised Code
 Bids fire truck 505.37.
 Mr. Gerberry seconded the motion.
 Vote: Mr. Blair– yes Mr. Gerberry - yes
 Motion carried.

12-091 Mr. Gerberry made a motion that the Weathersfield Township Board of
 Oppose Brine Trustees will take any and all actions to oppose Brine Injection Wells within
 wells the boundaries of Weathersfield Township.
 Mr. Blair seconded the motion.
 Vote: Mr. Blair – yes Mr. McBride - absent Mr. Gerberry -yes
 Motion carried.

August 14, 2012

12-092 Mr. Blair made a motion to enter into a renewable lease purchase agreement Lease PD/RD per the legal language provided.

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A RENEWABLE LEASE-PURCHASE AGREEMENT FOR THE FINANCING OF THE PROJECT FACILITIES/EQUIPMENT OR A PORTION THEREOF AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE.

WHEREAS, a board of township trustees, a joint township police district board and a board of fire district trustees of a fire district created under Section 505.371 of the Ohio Revised Code (each, a "Governing Body") are authorized under various provisions of Chapter 505 of the Ohio Revised Code, including, but not limited to, Sections 505.262 and 505.267 thereof, and other Chapters of the Ohio Revised Code, to acquire, purchase, construct, rent, lease, enlarge, improve, equip, maintain, operate, rebuild, repair or furnish sites, buildings, equipment or other personal property for an authorized public purpose; and

WHEREAS, the Governing Body of Weathersfield Township, Ohio (the "Political Subdivision") now desires pursuant to Sections 505.267 of the Ohio Revised Code to provide for the acquisition of two (2) Ford Taurus Interceptors Sedan, one (1) Ford F350 Road Truck, one (1) Ford F550 Road Truck and related equipment (the "Project Facilities/Equipment"), and in order to acquire the Project Facilities/Equipment, to enter into a lease-purchase agreement (the "Lease") pursuant to Section 505.267 of the Ohio Revised Code with Ohio Township Association Leasing, LLC, a limited liability company duly organized and existing under the laws of the State of Ohio ("OTA Leasing"), under which the Governing Body of the Political Subdivision will lease from OTA Leasing and OTA Leasing will lease to the Governing Body of the Political Subdivision the Project Facilities/Equipment with an option to purchase the Project Facilities/Equipment at the end of the final term of the Lease; and

WHEREAS, OTA Leasing will absolutely assign all of its rights, title and interests under the Lease to a financial institution agreed to by the Governing Body (such agreement being evidenced by the Governing Body's execution and delivery of the Lease), as assignee, (the "Assignee"), in consideration of the Assignee's making available to or on the order of the Governing Body sufficient moneys to pay in full the purchase price of the Project Facilities/Equipment upon delivery and acceptance of such Project Facilities/Equipment by the Governing Body;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF WEATHERSFIELD TOWNSHIP, OHIO:

Section 1. *Findings and Determinations of Governing Body of the Political Subdivision.* This Governing Body of the Political Subdivision hereby finds and determines that (i) the Project Facilities/Equipment will be public property to be used for public purposes, (ii) the Project Facilities/Equipment is essential to the proper, efficient and economic operation of the Political Subdivision and (iii) in order to implement the financing of the Project Facilities/Equipment, it is necessary and desirable and in the best interests of the Political Subdivision to enter into the Lease and other related documents and certificates for the purposes set forth in the Lease.

Section 2. *Authorization To Execute and Approval of Documents.* The Fiscal Officer of the Political Subdivision (the "Fiscal Officer") is hereby authorized and directed to make a written contract or contracts for the Project Facilities/Equipment in accordance with the laws of the State and, if required by the laws of the State, to take bids for the Project Facilities/Equipment in such manner as to permit an award to be made by separate contract for each item or for any combination of said items as the Fiscal Officer shall determine.

The Lease in substantially the forms on file in the office of the Fiscal Officer is hereby approved and the Governing Body of the Political Subdivision hereby authorizes the execution and delivery of the Lease by the Governing Body with any changes therein as are not adverse to the Political Subdivision; and the fact that any such changes are not adverse to the Political Subdivision shall be evidenced by execution of the Lease by the Governing Body of the Political Subdivision. The Lease shall be executed in the same manner as is provided in Section 133.27 of the Ohio Revised Code for the execution of Chapter 133 Securities (as defined for such Section) on behalf of a township.

Subject to and in consideration of the execution and delivery of the Lease by the Political Subdivision and the assignment thereof by OTA Leasing to the Assignee, the purchase price of the Project and any other costs related to the Project, including, but not limited to, the reimbursement of moneys advanced by the Township for the acquisition of the Project in accordance with and pursuant to Section 133.15 of the Ohio Revised Code, and its financing by the Assignee pursuant to the Lease shall be paid by the Assignee.

Section 3. *Terms of the Lease.* The Fiscal Officer is hereby authorized and directed to negotiate and provide for the terms of the Base Rentals and any applicable Additional Rentals, as defined in the Lease, including, but not limited to, the aggregate principal component thereof, which for the initial term and all renewal terms in aggregate shall not exceed \$110,000 and the interest components thereof which interest components shall be fixed rate interest components and which fixed rate interest components shall not exceed ten percent (10%) per annum. Such Base Rentals, and the principal and interest components thereof, shall be set forth in an exhibit to the Lease.

Section 4. *Additional Authorizations.* The Fiscal Officer and this Governing Body of the Political Subdivision are each hereby authorized and directed to take any and all other actions and to execute any and all other certificates and documents as may be required by the Assignee or as may in their judgment be necessary, desirable, advisable or appropriate in connection with the execution and delivery of the Lease in order to give effect to the transactions contemplated to be performed on the part of the Political Subdivision under the Lease.

Section 5. *Authorizations relating to Compliance with Federal Tax Laws.* The Governing Body of the Political Subdivision, alone or in conjunction with any other officer or employee of the Political Subdivision, is authorized and directed (a) to cooperate with OTA Leasing and the Assignee by making, on behalf of the Political Subdivision, such covenants and representations in the Lease as are appropriate and necessary with respect to causing the interest component of the Base Rentals to be and remain excluded from gross income of the Assignee for federal income tax purposes and (b) to give an appropriate certificate of the Political Subdivision setting forth the reasonable expectations of the Political Subdivision regarding the amount and

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use of all the proceeds of the Lease, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest component of the Base Rentals. The Fiscal Officer and other appropriate officers are hereby further authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure that the interest component of the Base Rentals will be and remain excluded from gross income for federal income tax purposes.

Section 6. *Appropriation of Lease Rental Payments for Initial Term.* To provide for the payment of Lease Rental Payments coming due during the Initial Term of the Lease, there is hereby appropriated from the Police Fund/Gasoline Tax Fund of the Political Subdivision an amount equal to the Lease Rental Payments set forth in Exhibit B to the form of Lease for the Lease Rental Payment Dates to occur during such Initial Term.

Section 7. *Severability.* If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. *Open Meeting Law.* This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing Body, and that all deliberations of this Governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 9. *Conflicts.* All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

Section 10. *Effective Date.* This Resolution shall take effect from and after its passage, as provided by law.

Mr. Gerberry seconded the motion.

Vote: Mr. Blair– yes

Mr. Gerberry - yes

Motion carried.

12-093
Exec. In

Mr. Blair made a motion to go into Executive Session at 7:24 p.m. to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

Mr. Gerberry seconded the motion.

Vote: Mr. Blair - yes

Mr. Gerberry– yes

Motion carried.

12-094
Exec Out

Mr. Blair made a motion to come out of Executive Session at 8:22 p.m.

Mr. Gerberry seconded the motion.

Vote: Mr. Blair– yes

Mr. Gerberry - yes

Motion carried.

12-095
Adjourn

Mr. Blair made a motion to adjourn.

Mr. Gerberry seconded the motion.

Vote: Mr. Blair - yes

Mr. Gerberry– yes

Motion carried.

Caucus:
Next meeting:

August 30, 2012 at 10:00 a.m.

September 11, 2012 at 7:00 p.m.

Fred R. Bobovnyk, Fiscal Officer

Steven J. Gerberry, Chairman

Marvin J. McBride, Vice-Chairman

H. Gilson Blair, Trustee