

August 12, 2014

Mr. Blair called the meeting to order.

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

Correspondence/Announcements:

- The Township Trustees are looking into a natural gas aggregation.
- Thank you to State Representative Ron Gerberry with regard to the local government funding legislation.
- Logging activity on Warner Road and West Liberty Street.
- Welcome to a new business in the Township: Dunkin Donuts located in Pinetree Plaza in McKinley Heights.
- Welcome to a new business in the Township: China Inn located in Ridge Creek Plaza in Mineral Ridge.
- Quality issues with Ohltown Girard Road (Countyline Road)
- The Township impound lot opened on Friday, August 1, 2014.
- Power plant update.
- Webb Road drainage issues.
- Paving has started on Austintown Warren Road.
- The residents of Austintown Warren Road have been given the cost to extend the natural gas supply lines to their homes.
- We only need one more signature to complete the JEDD petitions.
- Weathersfield Township 2014 Scrap Tire pick up.
- Lane closure on SR46 at the bike path.

Financial Report – Fred Bobovnyk

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

August 12, 2014

Administrator's Report – Dave Rouan

Administrator's Monthly Report – July 2014

Administrative Actions

There are a number of motions for the Board to consider tonight.

Administrative Announcements

1. The Township Trustees are considering a natural gas aggregation.
2. Thank you to State Representative Ron Gerberry with regard to the local government funding legislation.
3. Logging activity on Warner Road and West Liberty Street.
4. Welcome to a new business in the Township: Dunkin Donuts located in Pinetree Plaza in McKinley Heights.
5. Welcome to a new business in the Township: China Inn located in Ridge Creek Plaza in Mineral Ridge.
6. Quality issues with Ohtown Girard Road (Countyline Road)
7. The Township impound lot opened on Friday, August 1, 2014.
8. Power plant update.
9. Webb Road drainage issues.
10. Paving has started on Austintown Warren Road.
11. The residents of Austintown Warren Road have been given the cost to extend the natural gas supply lines to their homes.
12. We only need one more signature to complete the JEDD petitions.
13. Weathersfield Township 2013 Scrap Tire pick up.

Highway Department

1. We completed 22 Work Orders during the month of July.
2. We have been roadside mowing and have completed three passes through the Township.
3. We completed the work for the new impound lot.
4. Monthly check of the roadways and signs were completed.
5. General maintenance on various fleet vehicles and our equipment is ready for fall and we are beginning to prepare for winter.

Cemetery

1. See attached Cemetery Report

Respectfully submitted:

Dr. David A. Rouan, AICP
Township Administrator

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Cemetery Report - Dave Rouan

Sales/Financial Report *July 2014*

Location Status Owner(s)	Purchase Plan Price	Perpetual Care Plan Price	OT Cost	Opening Cost	Deed Nbr Date of Deed Sales Agent	Deed Notes
KC-E 1/2-68-7 Occupied	\$0.00	\$0.00	\$0.00	\$600.00		
KC-E 1/2-468-8 Occupied	\$0.00	\$0.00	\$0.00	\$400.00		
KC-F-H-3-4 Occupied	\$0.00	\$0.00	\$0.00	\$250.00		
KC-I-2145-1 Sold Carl, Joseph & Laurie	\$350.00	\$0.00	\$0.00	\$0.00	2014-135 07/28/2014 Melissa Ritchie	
KC-I-2145-2 Sold Carl, Joseph & Laurie	\$350.00	\$0.00	\$0.00	\$0.00	2014-136 07/25/2014 Melissa Ritchie	
KC-I-2152-3 Occupied Gilliam, Jessica	\$350.00	\$0.00	\$0.00	\$400.00	2014-132 07/07/2014 Melissa Ritchie	7-9-14 (MSR) I mailed deed and a "copy" of deed to jessica at the listed address.
KC-I-2178-1 Occupied Daria Giancola, Dennis Sesonsky	PRE-NEED \$350.00	RESIDENT \$0.00	\$200.00	\$400.00	2014-133 07/22/2014 Melissa Ritchie	
KC-I-2178-2 Sold Daria Giancola, Dennis Sesonsky	PRE-NEED \$350.00	RESIDENT \$0.00	\$0.00	\$0.00	2014-134 07/22/2014 Melissa Ritchie	7-22-14; MSR paid cash for both graves paid cash for O/C and \$200 for Saturday O/T
KC-I-2203-4 Sold Gregory, Burkett	\$800.00	\$0.00	\$0.00	\$0.00	2014-137 07/10/2014	

July -
 Total graves purchased - \$2,350.00
 Total open/close. - \$2,050.00
 Saturday O/T - \$200.00
July Total \$4,600
 MSR.

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Zoning Report – Melissa Ritchie

**WEATHERSFIELD TOWNSHIP ZONING OFFICE
MONTHLY REPORT · JUNE 2014**

I. TOTAL – 25

Permits – 10

Zoning – 10

Gas/Oil Well – 0

Occupancy –

Road Cut - 0

NCU – 0

Violations/Complaints – 10

Vehicles – 0

Debris – 3

Prop. Maint. & high grass – 7

Other – 0

Variances –

Conditional Use Permits – 0

Zone Change Petitions – 0

Zoning Amendments – 0

Replat Petitions – 0

General Inquiries – 5

Other Misc. – 0

Appeal -

Gas/Oil Well Registration - 0

II. FEES COLLECTED (See attachment I and II)

Zoning Permit Fees	\$ 1,387.50	Value (\$): 319,630.00
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	\$	
TOTAL:	\$ 1,387.50	

III. ZONING COMMISSION MEETING July 2014
No meeting was held.

IV. BOARD OF ZONING APPEALS July 2014
No meeting was held.

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Police Report – Captain Michael Naples

Township of Weathersfield

Police Department
Monthly Report for July

TRUMBULL COUNTY E911

Report Dates from 07/01/2014 to 07/31/2014

Number of Calls Report by Department-Complaint (All Units)

Department : WEA	Complaint Code	Description	Number
	ABC	ABANDONED 911 CALL	4
	ABV	ABANDONED VEHICLE	2
	AC	ANIMAL COMPLAINT	14
	AD	ALARM DROP	47
	APD	ASSIST POLICE DEPARTM	5
	AS	ASSAULT	2
	ATL	ATTEMPT TO LOCATE	2
	BE	BREAKING AND ENTERING	5
	BG	BURGLARY	6
	BOLO	BE ON THE LOOKOUT	1
	C10	ASSIST OFFICER	2
	C2	CRASH PROPERTY DAMAG	23
	CAP	CRASH WITH REPORTED I	6
	CD	CRIMINAL DAMAGING	3
	CIV	CIVIL COMPLAINT	1
	CKW	CHECK WELFARE	6
	CM	CRIMINAL MISCHIEF	1
	CPS	COURT PAPER SERVICE	1
	CUS	CUSTODY PROBLEM	1
	DA	DRUG ACTIVITY	2
	DAV	DISABLED VEHICLE	6
	DS	DISTURBANCE	8
	DM	DELIVER MESSAGE OR NC	1
	DOM	DOMESTIC	12
	EADP	ALARM DROP MEDICAL	1
	EAPP	ABDOMINAL PAIN	2
	ECAE	CARDIAC ARREST	1
	ECAP	CARDIAC ARREST	1
	EFALLP	FALL	3
	EGIP	GENERAL ILLNESS	1
	ELAP	LIFT ASSIST	1
	EMSP	EMERGENCY MEDICAL AS	3
	EODP	OVERDOSE	1
	ESEIZEE	SEIZURE	1
	ESEIZEP	SEIZURE	1
	ESUE	SUICIDE	1
	ESUIP	SUICIDE	3
	ETIEP	TRAUMATIC INJURY	1
	EUPP	EMS UNKNOWN PROBLEM	1
	FBCP	BURNING COMPLAINT	3
	FFADP	FIRE ALARM DROP	1
	FFADP	FIRE ALARM DROP	1
	FGT	FIGHT	1
	FIREP	FIRE MISCELLANEOUS	2
	FUPP	UNKNOWN PROBLEMUNC	1
	FVFP	VEHICLE FIRE	1
	FW	FIREWORKS COMPLAINT	8
	FWTDP	WIRES/TREES DOWN	1
	HAR	HARASSMENT	4
	HS	HIT SKIP	4
	INF	INFORMATION	28
	INV	INVESTIGATION	2
	ITX	INTOXICATED PERSON	7
	JD	JUVENILE DELINQUENT OF	4
	JR	JUVENILE RUNAWAY	1
	LO	LOCKOUT	1
	MJ	MISSING JUVENILE	2
	NC	NOISE COMPLAINT	1
	NP	NEIGHBOR PROBLEM	5
	PRK	PARKING VIOLATION/COM	6
	PWG	PERSON WITH GUN	1
	REPO	REPO	1
	ROB	ROBBERY	2
	ROS	REPORT ON STATION	1
	RP	RECOVERED PROPERTY	7
	S19	RETURN PHONE CALL	3
	SBH	SHOTS BEING HEARD	43
	SC	SPOT CHECK	1
	SHP	SHOPLIFTING	5
	SOL	SOLICITATION	1
	SPA	SUSPICIOUS ACTIVITY	19
	SPP	SUSPICIOUS PERSON	19
	SPV	SUSPICIOUS VEHICLE	14
	STB	STANDBY	6
	TFV	THEFT FROM VEHICLE	1
	THE	THEFT	11
	THR	THREATS	4
	TRA	TRANSPORT PERSON OR	14
	TRC	TRAFFIC REGULATION CO	20
	TS	TRAFFIC STOP	214
	UNK	UNKNOWN PROBLEM	16
	USP	UNSECURED PROPERTY	5
	UTI	UTILITY PROBLEMS OR CC	1
	UW	UNWANTED PERSON OR P	6
	VA	VANDALISM	1
	WAR	WARRANT SERVICE	1
		GRAND TOTAL:	683

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Fire Report – Chief Randy Pugh

District Summary

July 2014

District	Situation Type	Dollar Loss	# of Incid's	F.S. Injury	Civ. Injury	F.S. Death	Civ. Death
40	551 Assist police or other governmental agen		1	0	0	0	0
40	661 EMS call, party transported by non-fire		6	0	0	0	0
Totals for All Non-Fire in District:			7	0	0	0	0
Totals for All Incidents in District			7	0	0	0	0
41	118 Trash or rubbish fire, contained		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:			3	0	0	0	0
41	322 Vehicle accident with injuries		4	0	0	0	0
41	350 Extrication, rescue, other		1	0	0	0	0
41	444 Power line down		2	0	0	0	0
41	561 Unauthorized burning		3	0	0	0	0
41	611 Dispatched & canceled en route		1	0	0	0	0
41	651 Smoke scare, odor of smoke		2	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		5	0	0	0	0
Totals for All Non-Fire in District:			28	0	0	0	0
Totals for All Incidents in District			31	0	0	0	0
42	500 Service Call, other		1	0	0	0	0
42	561 Unauthorized burning		1	0	0	0	0
42	650 Steam, other gas mistaken for smoke, oth		1	0	0	0	0
42	661 EMS call, party transported by non-fire		4	0	0	0	0
Totals for All Non-Fire in District:			7	0	0	0	0
Totals for All Incidents in District			7	0	0	0	0
Grand Total for All Incidents			45	0	0	0	0

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Attorney's Report – Atty. Cherry Poteet

ATTORNEYS' REPORT

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

FROM: CHERRY LYNNE POTEET, ESQ.

DATE: August 12, 2014

Below is a report of this month's litigation activity.

1. Richard Mattessich v. Weathersfield Township
Case No. 2014 CV 00233
Trumbull County Ct. C.P. Judge Rice

The depositions of Richard Mattessich, Dawn Mattessich and John Vogel were conducted on July 22, 2014 at our offices. Plaintiff's counsel has submitted discovery. Dispositive motions are to be filed by January 30, 2015.

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

Sincerely,

Cherry Lynne Poteet, Esq.

New Business:

14-109
Consent
Agenda

Mr. McBride 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 8, 2014.
- Then and Now's

Then and Now's as of August 12, 2014

	<u>THEN</u>	<u>NOW</u>	<u>AMOUNT</u>
Allstate of Youngstown	07/25/14	07/29/14	\$799.86
Tolley's Tree	07/26/14	07/29/14	\$1,200.00
OTARMA	07/14/14	07/16/14	\$62,220.00
Treasurer, State of Ohio	08/01/14	08/12/14	\$600.00

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Mr. Gerberry seconded the motion.

Vote: Mr. McBride -yes Mr. Gerberry – yes Mr. Blair - yes

Motion carried.

14-110 Mr. Gerberry made a motion to posthumously recognize Joseph Seaborn, Jr.
Recognize with the Weathersfield Township Community Leadership Award. This award
Joe Seaborn is given annually to those individuals who, in the opinion of the Board of
Trustees, have demonstrated outstanding leadership and commitment to our
community. The award is given to those who have gone before us and to
those who continue to serve us.

Mr. McBride seconded the motion.

Vote: Mr. Gerberry –yes Mr. McBride – yes Mr. Blair – yes

Motion carried.

14-111 Mr. Gerberry made a motion to posthumously recognize Lydia F. Infante with
Recognize the Weathersfield Township Community Leadership Award. This award is
Lydia Infante given annually to those individuals who, in the opinion of the Board of
Trustees, have demonstrated outstanding leadership and commitment to our
community. The award is given to those who have gone before us and to
those who continue to serve us. Thacker

Mr. McBride seconded the motion.

Vote: Mr. Gerberry –yes Mr. McBride – yes Mr. Blair – yes

Motion carried.

14-112 Mr. Gerberry made a motion to posthumously recognize Joseph O. Lane with
Recognize the Weathersfield Township Community Leadership Award. This award is
Joe O. Lane given annually to those individuals who, in the opinion of the Board of
Trustees, have demonstrated outstanding leadership and commitment to our
community. The award is given to those who have gone before us and to
those who continue to serve us.

Mr. McBride seconded the motion.

Vote: Mr. Gerberry – yes Mr. McBride –yes Mr. Blair – yes

Motion carried.

14-113 Mr. Gerberry made a motion to recognize Captain Raymond Knepper, Sr.
Recognize with the Weathersfield Township Community Leadership Award. This award
Ray Knepper is given annually to those individuals who, in the opinion of the Board of
Trustees, have demonstrated outstanding leadership and commitment to our
community. The award is given to those who have gone before us and to
those who continue to serve us.

Mr. McBride seconded the motion.

Vote: Mr. Gerberry – yes Mr. McBride –yes Mr. Blair – yes

Motion carried.

14-114 Mr. Gerberry made a motion to recognize Firefighter Chris Streamo with a
Recognize Certificate of Recognition for his recent work coordinating the training for the
Chris Streamo “Live Burn” for the Weathersfield Township Volunteer Fire Department and
for securing training personnel from the Youngstown Air Reserve Base.

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Awarded this 12th Day of August 2014, in Weathersfield Township, Trumbull County, Ohio.

Mr. McBride seconded the motion.

Vote: Mr. Gerberry – yes Mr. McBride -yes Mr. Blair - yes
Motion carried.

14-115
TMHA
Contract

Mr. McBride made a motion to enter into the Supplemental Police Services Agreement with the Trumbull Metropolitan Housing Authority (TMHA). This agreement shall be in effect from July 1st, 2014 through June 30, 2015 for the provision of specific police services associated with the TMHA’s security programs. TMHA desires to contract with Weathersfield Township, by and through its police department, for additional police services to create a drug and crime free environment and to provide for the safety and protection of the residents.

Mr. Gerberry seconded the motion.

Vote: Mr. McBride -yes Mr. Gerberry– yes Mr. Blair - yes
Motion carried.

14-116
Hire Prob FF

Mr. Gerberry made a motion to hire, effective today and pending the outcome of the pre-employment physical, drug screening, and background check, the Probationary Firefighters listed below. These Probationary Firefighters will be trained and evaluated over the next six months by the Fire Chief and his officers. At the conclusion of the six month probationary period, the Fire Chief will recommend which, if any, Probationary Firefighters should be promoted to Firefighter. The Board of Trustees would like to thank these individuals for their interest in becoming a Weathersfield Township Firefighter and for their volunteerism and commitment to the residents of our Township.

Station 40
Adam Kashien

Station 41
David Richie
Heather Pugh

Station 42
Michael Vigorito
Jacob Weimer
David Donaldson

Mr. McBride seconded the motion.

Vote: Mr. Gerberry - yes Mr. McBride -yes Mr. Blair– yes
Motion carried.

14-117
OTARMA

Mr. McBride made a motion to renew our liability and property insurance policies through the Ohio Township Risk Management Authority (OTARMA) effective July 15th, 2014 for the ensuing policy year and to authorize Township Administrator David Rouan to execute on behalf of the board of Trustees the Commitment to Continue Membership and all other documents necessary to continue coverage.

Mr. Gerberry seconded the motion.

Vote: Mr. McBride - yes Mr. Gerberry – yes Mr. Blair - yes
Motion carried.

14-118
Purchase 2
Fire Vehicles

Mr. McBride made a Motion to authorize Fire Chief Randall Pugh to purchase two new 2015 Ford Police Interceptor Utility Vehicles through Klaben Ford Lincoln of Warren, Inc. at a price of \$26,340.00, which is below the State purchase price, in accordance with HB204; to utilize Ford Municipal Lease/Purchase to finance the vehicles over a five (5) year term; and to authorize Township Administrator David Rouan to execute the Master Lease

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Purchase Agreement with Ford Motor Credit company pursuant to the terms and conditions set forth in the agreement on behalf of the Board of Trustees. These two utility vehicles will serve as the Fire Chief and Assistant Fire Chief's primary vehicles. The two utility vehicles replace the existing vehicles that are being used for this purpose, one of which was already taken out of service due to a rusted and unsafe frame and the other vehicle has over 118,000 miles on it.

Mr. Gerberry seconded the motion.

Vote: Mr. McBride - yes Mr. Gerberry - yes Mr. Blair - yes

Motion carried.

14-119 Mr. McBride made a motion to approve a six month leave of absence for
Leave of Firefighter Jonathon Thacker from Station 41 of the Weathersfield Fire
Absence for Department.

FF Thacker Mr. Gerberry seconded the motion.

Vote: Mr. McBride - yes Mr. Gerberry - yes Mr. Blair - yes

Motion carried.

14-120 Mr. Gerberry made a motion to hire R. Todd Stitt as a part-time police officer
Hire Stitt with the Weathersfield Township Police Department effective today's date.
PT Officer Todd is an Ohio State Fire Marshall and serves as Fire Captain at station #42. Todd formally served as a Police Officer with our department from March of 1993 to August 2008. We are pleased to have him back serving in this capacity.

Mr. McBride seconded the motion.

Vote: Mr. Gerberry - yes Mr. McBride - yes Mr. Blair - yes

Motion carried.

14-121 Mr. McBride made a motion to authorize the closing of TH 1374 (Wildwood
Close Drive) on Saturday, August 16th, 2014 from 4:00 PM until 10:00 PM. The
Wildwood Dr purpose of this temporary road closure is for a neighborhood block party.

Mr. Gerberry seconded the motion.

Vote: Mr. McBride - yes Mr. Gerberry - yes Mr. Blair - yes

Motion carried.

14-122 Mr. Gerberry made a motion to authorize Township Administrator David
Administrator Rouan to accept, on behalf of Weathersfield Township, title to a motor vehicle
sign impound to any vehicle which has been impounded and which is voluntarily transferred
titles to the Township by the vehicle owner in exchange for towing and storage fees, or for which title is transferred to the Township by issuance of salvage title by the county. Further, Township Administrator David Rouan is authorized, on behalf of the Township, to sell all impounded vehicles for which the Township receives title, by public auction or sale to a salvage dealer, and to execute transfer of title to a motor vehicle and other documents necessary to sell such vehicles. The cost of the tow shall be paid from the proceeds of the sale, and all remaining proceeds from such sales shall be credited to the Weathersfield Township impound lot fund. Pursuant to and in

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accordance with the policies and procedures previously adopted by the Board with Resolution #14-083 and Resolution #14-103.

Mr. McBride seconded the motion.

Vote: Mr. Gerberry – yes Mr. McBride - yes Mr. Blair - yes

Motion carried.

14-123 Mr. McBride made a motion to enter into an agreement for Natural Gas
Gas Aggregation Services with Buckeye Energy Brokers, Inc. for an opt-in gas
aggregation aggregation service for the residents of Weathersfield Township for a term of
one year commencing November 1st, 2014 at a rate of \$4.39 Mcf.

Whereas Weathersfield Township is interested in reducing the overall energy costs for Township residents through the use of an opt-in aggregation service;

Whereas Buckeye Energy Brokers, Inc. is certified by the Public Utilities Commission of Ohio (PUCO) and offers energy brokerage and natural gas aggregation services that may reduce the cost per energy unit consumed; and

Whereas Weathersfield Township agrees to use Buckeye Energy Brokers, Inc. as an exclusive agent and grants exclusive rights to perform such services as described in and subject to the terms and conditions of the agreement;

Now therefore, in consideration of the foregoing and of the mutual covenants herein contained, the parties hereto agree to enter into the Agreement for Natural Gas Aggregation Services.

Mr. Gerberry seconded the motion.

Vote: Mr. McBride - yes Mr. Gerberry – yes Mr. Blair - yes

Motion carried.

14-124 Mr. McBride made a motion to notify the Ohio Environmental Protection
Withdraw Agency that Weathersfield Township withdraws as Grantee from the 2013
Grant support Market Development Grant Agreement with the Ohio EPA to administer grant
Kurtz 13-MDG-008. The Conditional Use Permit for the cooperating Enterprise,
Kurtz Brothers, Inc., to operate CD&D facility at the site has expired and became void as Kurtz Brothers failed to implement the use within two years of the approval of the permit by the Board of Zoning Appeals as required by Section 503 of the Zoning Resolution. In addition, Kurtz Brothers has failed to respond to multiple inquiries from Weathersfield Township regarding the 2013 Ohio EPA Market Development Grant. The Fiscal Officer shall notify Scott Nally, Director of the Ohio Environmental Protection Agency of this motion and action taken by the Board. The original grant amount was \$250,000.

Mr. Gerberry seconded the motion.

Vote: Mr. McBride - yes Mr. Gerberry – yes Mr. Blair - yes

Motion carried.

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14-125 Mr. Gerberry made a motion to authorize Township Zoning Inspector Melissa Ritchie to file, on behalf of Weathersfield Township, in Niles Municipal Court File NMC Complaints of zoning violations against the following properties:

1. 2190 Garfield Ave.
2. 2790 West Liberty St.
3. 3798 S. Main St.
4. 0 Robbins Ave.
5. 1860 Austintown-Warren Rd.
6. 3586 Bee St.
7. 2623 Morris Ln.
8. 3679 Oakview
9. 3124 Wildwood Dr.
10. 2904 Woodlawn
11. 3803 Main St.
12. 1445 Burnett St.
13. 2314 Earl St.
14. 1868 Austintown-Warren Rd.

Mr. McBride seconded the motion.

Vote: Mr. Gerberry – yes Mr. McBride - yes Mr. Blair - yes
Motion carried.

14-126 Mr. McBride made a motion to adopt a general policy to provide for the removal of junk motor vehicles pursuant to O.R.C. 505.871
Policy for Junk vehicles

WHEREAS, the Weathersfield Township Board of Trustees finds that junk motor vehicles on public and private property are injurious to the general health, safety and welfare of Weathersfield Township residents; and

WHEREAS, Section 505.871 of the Ohio Revised Code authorizes a Board of Township Trustees to provide for the removal of any vehicle in the township which the Board determines to be a junk vehicle, as that term is defined by Section 505.173 of the Ohio Revised Code; and

WHEREAS, the Board of Township Trustees wishes to avail itself of the procedures outlined in R.C. 505.871.

NOW THEREFORE, BE IT RESOLVED that the Weathersfield Township Board of Township Trustees hereby adopts a policy to utilize the authority vested in it pursuant to R.C. 505.871 to remove from the Township junk motor vehicles as that term is defined by R.C. 505.173.

SECTION 1 – DEFINITIONS

Apparently Inoperable: A vehicle that is apparently not functioning or operative or cannot be lawfully operated upon public roads or highways. Evidence of inoperability includes, but is not limited to, any buildup of debris that obstructs use, a flat or missing tire or tires, a nonfunctional motor or transmission, missing bumpers, missing license plates, or expired vehicle license.

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Junk Motor Vehicle: A vehicle that meets all of the following criteria:

1. Three model years or older;
2. Apparently inoperable; and
3. Extensively damaged, including, but not limited to, missing wheels, tires, engine or transmission.

SECTION 2 - REMOVAL OF JUNK MOTOR VEHICLES LOCATED ON PUBLIC PROPERTY

If a junk motor vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for the immediate removal of the vehicle.

Nothing in this Resolution shall be construed to limit the Township's ability to remove any motor vehicle located on any street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any street, pursuant to any other statute or resolution.

SECTION 3 - REMOVAL OF JUNK MOTOR VEHICLES LOCATED ON PRIVATE PROPERTY

No person shall park, store or leave, or permit the parking, storing or leaving of any junk motor vehicle, whether attended or not, for a period of more than ten (10) days upon any private property within Weathersfield Township, unless the vehicle is completely concealed from public view by within a building, or unless it is on the property in connection with a business enterprise operated in a lawful place for storage, repair or rehabilitation of vehicles as expressly permitted under the provisions of the Township Zoning Resolution.

If a junk motor vehicle is located on private property, and is not completely concealed from public view, the Board of Township Trustees may provide, by resolution, for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land. The notice provided shall, at a minimum, contain the following information:

1. A general description of the vehicle to be removed;
2. A statement that the Board of Township Trustees has determined that the vehicle is a junk motor vehicle;
3. A statement that if the owner of the land fails to remove the vehicle within fourteen (14) days after service of the notice, the Board may remove or cause the removal of the vehicle; and
4. A statement that any expenses the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

The Board shall serve the notice by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the Township or if the owner resides outside the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The Board also shall send notice in such manner to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed within fourteen (14) days

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of its mailing, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the Board shall publish the notice once in a newspaper of general circulation in the Township before the removal of the vehicle, and, if the land contains any structures, the Board also shall post the notice on the principal structure on the land. A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served on the date of the newspaper publication.

SECTION 4 - METHODS FOR REMOVING JUNK MOTOR VEHICLES

The Board of Township Trustees may remove or may contract for the removal and disposal of a junk motor vehicle.

SECTION 5 - COLLECTION OF EXPENSES INCURRED IN REMOVING JUNK MOTOR VEHICLES

The Board of Township Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle. The Board shall direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

SECTION 6 – ENFORCEMENT

The Weathersfield Township Zoning Inspector shall enforce this Resolution. The Weathersfield Township Zoning Inspector is hereby authorized to enter upon private property for the purpose of enforcing the provisions of this resolution.

Nothing in this Resolution shall apply to a scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Revised Code; the operation as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool of a person licensed under Chapter 4738. of the Revised Code; or the provision of towing and recovery services conducted under sections 4513.60 to 4513.63 of the Revised Code.

Any collector's vehicle that meets the definition of a junk motor vehicle is subject to removal unless it is concealed from public view by means of buildings, fences, vegetation, terrain, or other suitable screening.

In addition to other remedies provided in this Resolution, the board of township trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding, to prohibit the storage of junk motor vehicles in violation of this section.

Mr. Gerberry seconded the motion.

Vote: Mr. McBride – yes Mr. Gerberry - yes Mr. Blair - yes

Motion carried.

August 12, 2014

14-127 Mr. McBride made a motion to adjourn.
Adjourn Mr. Gerberry seconded the motion.
Vote: Mr. McBride – yes Mr. Gerberry - yes Mr. Blair - yes
Motion carried.

Caucus: August 28, 2014 at 8:30 a.m.
Next meeting: September 9, 2014 at 7:00 p.m.

Fred R. Bobovnyk, Fiscal Officer

H. Gilson Blair, Chairman

Steven J. Gerberry, Vice-Chairman

Marvin J. McBride, Trustee