

## RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, January 12, 2021 at 7:00PM

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**Call to order:** Steve Gerberry

**Pledge:** Completed

**Prayer:** Steve Gerberry

**Moment of Silence:** For all those that lost loved ones over the last month, including the Garris family, the Beard family, the George family, and the family of Bazetta Fire Chief Don Waldron.

**Roll Call:** Marvin J. McBride - Present                      Steven J. Gerberry - Present  
                   Rich Harkins - Present                                Fred R. Bobovnyk - Present

**Correspondence/Announcements:**

- The **Trustees would like to voice their support for Ohio Attorney General Dave Yost's effort to have law enforcement included in Phase 1A of the COVID-19 vaccine program.** Our law enforcement officers have been on the front lines during the pandemic and should be vaccinated during the Phase 1A vaccine program.
- The **Trustees would like to remind our residents to avoid putting loose items in the garbage cans** because during inclement and windy weather those loose items tend to blow out of the garbage truck while being collected. Please put all items in a garbage bag.
- The **Trustees would like to thank Governor DeWine and the OBWC for the \$152,658.02 dividend that we received this past December.**
- The **Trustees would like to remind our residents that they are keeping a list of residents that are interested in switching their electric service to Ohio Edison/First Energy.** Please contact the Township if you would like to be added to this list.

**Reports:**

- Financial Report – Presented by Fred Bobovnyk
- Administrator's Report – Presented by David Rouan
- Zoning Report – Presented by Melissa Murphy
- Police Report Presented by Chief Michael Naples
- Fire Report – Presented by Fire Chief Tom Lambert
- Lane LifeTrans Report – Presented by Lane's Chief Tom Lambert
- Law Director's Report – Presented by Cherry Poteet
- Regional Chambers Report – Presented by Steve Gerberry

Note: All reports are on file in the Fiscal Officer's office.

Comments from the public will be heard on agenda items at this time; there will still be an opportunity for individuals to address the Board during our public comments part of the meeting.

**Old Business:**

None

**New Business:**

21-004 Motion to **approve the consent agenda**, which includes the following:

- **Minutes from the Regular Meeting** Tuesday, December 8, 2020 at 7:00 PM;
- **Drawing warrants upon our treasury and paying township bills;** and
- **The Then and Now's pursuant to the list provided by the Fiscal Officer.**

Motion by: Marvin McBride                      Seconded by: Rich Harkins  
 Vote: Steve Gerberry - Yes                      Rich Harkins - Yes                      Marvin McBride - Yes  
 Motion Carried

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21-005 Motion to **adopt the permanent appropriations and permanent revenues for budget year 2021** on a level of control for the General Fund at the line item basis and on a level of control for all remaining funds at the fund basis: to request an Amended Official Certificate of Estimated Resources; and to request the Budget Certification stating that our appropriations do not exceed our Amended Official Certificate of Estimated Resources from the Trumbull County Budget Commission, effective January 1, 2021.

Fund: General				
Pooled Balance:		\$569,143.91		
Non-Pooled Balance:		\$0.00		
Total Cash Balance:		\$569,143.91		

  

Account Code	Account Name	Reserved for Encumbrance 12/31	Reserved for Encumbrance 12/31 Adjustment	Final Appropriation
1000-110-111-0000	D Salaries - Trustees	\$0.00	\$0.00	\$26,400.00
1000-110-121-0000	D Salary - Township Fiscal Officer	\$0.00	\$0.00	\$16,500.00
1000-110-122-0000	D Salaries - Township Fiscal Officer's Staff	\$0.00	\$0.00	\$41,116.61
1000-110-131-0000	D Salary - Administrator	\$0.00	\$0.00	\$63,750.00
1000-110-190-0000	D Other - Salaries	\$0.00	\$0.00	\$11,036.56
1000-110-211-0000	D Ohio Public Employees Retirement System	\$0.00	\$0.00	\$36,923.80
1000-110-212-0000	D Social Security	\$0.00	\$0.00	\$5.23
1000-110-213-0000	D Medicare	\$0.00	\$0.00	\$2,400.00
1000-110-221-0000	Medical/Hospitalization	\$4,225.78	\$0.00	\$63,353.73
1000-110-222-0000	Life Insurance	\$1,453.60	\$0.00	\$1,746.66
1000-110-223-0000	Dental Insurance	\$282.50	\$0.00	\$3,799.81
1000-110-224-0000	Vision Insurance	\$66.90	\$0.00	\$974.57
1000-110-230-0000	D Workers' Compensation	\$0.00	\$0.00	\$3,500.00
1000-110-311-0000	Accounting and Legal Fees	\$15,732.75	\$0.00	\$18,000.00
1000-110-312-0000	Auditing Services	\$0.00	\$0.00	\$0.00
1000-110-313-0000	Uniform Accounting Network Fees	\$948.00	\$0.00	\$3,500.00
1000-110-314-0000	D Tax Collection Fees	\$0.00	\$0.00	\$5,445.48
1000-110-315-0000	D Election Expenses	\$0.00	\$0.00	\$3,000.00
1000-110-330-0000	Travel and Meeting Expense	\$54.33	\$0.00	\$1,729.67
1000-110-342-0000	Postage	\$200.00	\$0.00	\$1,203.91
1000-110-343-0000	Postage Machine Rental	\$0.00	\$0.00	\$363.51
1000-110-345-0000	Advertising	\$97.57	\$0.00	\$500.00
1000-110-360-0000	Contracted Services	\$2,073.82	\$0.00	\$40,000.00
1000-110-360-0005	Contracted Services(DEMOLITION)	\$0.00	\$0.00	\$5,000.00
1000-110-360-0054	Contracted Services(Collections_traffic cameras)	\$0.00	\$0.00	\$0.00
1000-110-360-0055	Contracted Services(Regional Chamber)	\$12,500.00	\$0.00	\$25,000.00
1000-110-360-0058	Contracted Services(Trumbull County Engineer)	\$0.00	\$0.00	\$25,000.00
1000-110-381-0000	Property Insurance Premiums	\$0.00	\$0.00	\$3,320.26
1000-110-382-0000	Liability Insurance Premiums	\$0.00	\$0.00	\$6,225.20
1000-110-389-0000	Other - Insurance and Bonding	\$0.00	\$0.00	\$0.00
1000-110-410-0000	Office Supplies	\$356.22	\$0.00	\$1,200.00
1000-110-420-0000	Operating Supplies	\$172.92	\$0.00	\$1,500.00
1000-110-591-0000	Contributions to Other Organizations	\$0.00	\$0.00	\$750.00
1000-110-599-0000	Other - Other Expenses	\$760.67	\$0.00	\$3,250.00
1000-120-190-0000	D Other - Salaries	\$0.00	\$0.00	\$17,519.58
1000-120-323-0000	Repairs and Maintenance	\$0.00	\$0.00	\$2,000.00
1000-120-341-0000	Telephone	\$561.62	\$0.00	\$2,000.00
1000-120-351-0000	Electricity	\$660.73	\$0.00	\$11,000.00
1000-120-352-0000	Water and Sewage	\$360.64	\$0.00	\$2,000.00
1000-120-353-0000	Natural Gas	\$1,302.59	\$0.00	\$4,400.00
1000-120-420-0000	Operating Supplies	\$0.00	\$0.00	\$0.00
1000-130-212-0000	D Social Security	\$0.00	\$0.00	\$0.00
1000-130-500-0000	Other	\$0.00	\$0.00	\$20,000.00
1000-210-420-0000	Operating Supplies	\$0.00	\$0.00	\$0.00
1000-310-360-0000	Contracted Services	\$1,148.29	\$0.00	\$4,787.46
1000-330-420-0000	Operating Supplies	\$0.00	\$0.00	\$695.57
1000-420-370-0000	Payment to Another Political Subdivision	\$0.00	\$0.00	\$25,500.00
1000-610-320-0000	Property Services	\$0.00	\$0.00	\$0.00
1000-610-329-0060	Other - Property Services(Land Purchase)	\$0.00	\$0.00	\$0.00
1000-610-500-0057	Other(Festivals)	\$0.00	\$0.00	\$17,174.57
1000-610-730-0060	Improvement of Sites(Land Purchase)	\$0.00	\$0.00	\$0.00
1000-760-730-0000	Improvement of Sites	\$0.00	\$0.00	\$5,463.64
1000-760-740-0000	Machinery, Equipment and Furniture	\$0.00	\$0.00	\$0.00
1000-760-790-0000	Other - Capital Outlay	\$0.00	\$0.00	\$2,500.00
1000-910-910-0000	D Transfers - Out	\$0.00	\$0.00	\$232,642.00
1000-920-920-0000	D Advances - Out	\$0.00	\$0.00	\$0.00
1000-990-990-0000	D Other - Other Financing Uses	\$0.00	\$0.00	\$0.00
<b>General Fund Total:</b>		<b>\$42,958.93</b>	<b>\$0.00</b>	<b>\$764,177.82</b>

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2021 Amended Official Certificate of Estimated Resources						
Fund	1/1/2021 Cash Balance	1/1/2021 Encumbered	Unencumbered Cash Balance	Anticipated Tax Revenue	Anticipated Other Sources	Available Resources
General	\$577,289.46	\$42,958.93	\$534,330.53	\$360,426.04	\$428,150.00	\$1,322,906.57
<b>Total General Fund:</b>	<b>\$577,289.46</b>	<b>\$42,958.93</b>	<b>\$534,330.53</b>	<b>\$360,426.04</b>	<b>\$428,150.00</b>	<b>\$1,322,906.57</b>
MVL	\$30,691.44	\$4,703.57	\$25,987.87	\$0.00	\$66,350.00	\$92,337.87
Gas Tax	\$31,009.54	\$6,200.31	\$24,809.23	\$0.00	\$180,200.00	\$205,009.23
Road & Bridge	\$2,670.79	\$0.00	\$2,670.79	\$0.00	\$80,000.00	\$82,670.79
Cemetery	\$22,818.73	\$1,836.44	\$20,982.29	\$0.00	\$82,500.00	\$103,482.29
Police	\$690,477.12	\$89,091.96	\$601,385.16	\$1,028,965.75	\$1,229,388.89	\$2,859,739.80
Fire	\$288,983.62	\$156,011.97	\$132,971.65	\$377,571.31	\$27,000.00	\$537,542.96
Drug Law Enforcement	\$17,390.19	\$35.00	\$17,355.19	\$0.00	\$15,000.00	\$32,355.19
Enfr. & Education	\$3,114.02	\$0.00	\$3,114.02	\$0.00	\$500.00	\$3,614.02
Lighting Districts	\$22,453.78	\$1,076.82	\$21,376.96	\$0.00	\$48,000.00	\$69,376.96
<b>Total Speical Revenue:</b>	<b>\$1,109,609.23</b>	<b>\$258,956.07</b>	<b>\$850,653.16</b>	<b>\$1,406,537.06</b>	<b>\$1,728,938.89</b>	<b>\$3,986,129.11</b>
Bond/Note Retirement	\$0.36	\$0.00	\$0.36	\$0.00	\$0.00	\$0.36
<b>Total Bond/Note Retirement:</b>	<b>\$0.36</b>	<b>\$0.00</b>	<b>\$0.36</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.36</b>
Capital Projects	\$3,117.52	\$0.00	\$3,117.52	\$0.00	\$500,000.00	\$503,117.52
The CARES Act	\$14,941.50	\$14,941.50	\$0.00	\$0.00	\$0.00	\$0.00
Public Works	\$0.00	\$0.00	\$0.00	\$0.00	\$486,000.00	\$486,000.00
<b>Total Public Works:</b>	<b>\$18,059.02</b>	<b>\$14,941.50</b>	<b>\$3,117.52</b>	<b>\$0.00</b>	<b>\$986,000.00</b>	<b>\$989,117.52</b>
<b>Total:</b>	<b>\$1,704,958.07</b>	<b>\$316,856.50</b>	<b>\$1,388,101.57</b>	<b>\$1,766,963.10</b>	<b>\$3,143,088.89</b>	<b>\$6,298,153.56</b>

Motion by: Rich Harkins                      Seconded by: Name  
 Vote: Steve Gerberry - Yes      Rich Harkins - Yes      Marvin McBride - Yes  
 Motion Carried

- 21-007 Motion to **accept a \$400.00 donation from Richard Naples of Wholesale Fireworks in McKinley Heights**. Mr. Naples donated \$200.00 to our police department and \$200.00 to our fire department this past December. The Trustee's would like to thank him for his generosity and commitment to our community.

Motion by: Marvin McBride                      Seconded by: Rich Harkins  
 Vote: Steve Gerberry - Yes      Rich Harkins - Yes      Marvin McBride - Yes  
 Motion Carried

- 21-008 Motion to **accept the resignation of Firefighter** Timothy Grantz effective January 14, 2021. The board Trustees would like to thank Tim for his 17 years of service with our fire department and to the residents of our community. Tim no longer has the time to commit to the fire department due to his full-time work, his part-time work, and his family commitments.

Motion by: Rich Harkins                      Seconded by: Marvin McBride  
 Vote: Steve Gerberry - Yes      Rich Harkins - Yes      Marvin McBride - Yes  
 Motion Carried

- 21-009 Motion to **adopt a Noise Control Resolution:**

WHEREAS, Ohio Revised Code §505.172 authorizes Boards of Township Trustees to adopt Resolutions that are necessary to control noise within the unincorporated territory of the Township that is generated within any areas zoned for residential use or at any premises to which a D permit has been issued by the Division of Liquor Control; and

WHEREAS, Ohio Revised Code §955.221 authorizes Board of Trustees to adopt resolutions to control dogs, including noise from dogs as a public nuisance; and

WHEREAS, Ohio Revised Code §505.17 authorizes Boards of Township Trustees to make such regulations and orders as are necessary to control passenger car, motorcycle, and internal combustion engine noise, as permitted under Revised Code Section 4513.221; and

WHEREAS, Revised Code Section 4513.221 (E) (1), (2), and (3) authorizes Boards of Township Trustees to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines in the unincorporated area of the township by requiring

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said engines to be equipped and operated with a factory installed or equivalent muffler; and

WHEREAS, the Board of Trustees of Weathersfield Township, Trumbull County, Ohio has determined that excessive noise in Weathersfield Township serves no public purpose, constitutes a nuisance and is detrimental to the public health, welfare, safety, and quality of life within Weathersfield Township, while recognizing that certain levels of noise are unavoidable; and

WHEREAS, the Board of Trustees of Weathersfield Township has determined that it is in the best interest of the residents of the Township to adopt regulations to govern and control noise in the Township.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Weathersfield Township, Trumbull County, Ohio, to adopt the following Noise Control Resolution:

### **A. NOISE PROHIBITED IN RESIDENTIAL AREAS AND LIQUOR PREMISES**

1. No person within the unincorporated territory of Weathersfield Township that is zoned for residential use, and no landowner or lawful occupant of any premises to which a D permit has been issued by the division of liquor control in any zoning district, shall make or permit the making of any noise or sound, which is plainly audible and which, by reason of volume, pitch, frequency, intensity, duration, or nature annoys or disturbs the comfort, peace, or health of a person of ordinary sensibilities, after 10:00 PM on Sundays or after 11:00 PM Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays, or before 8:00 AM on all days on the week.
2. Plainly Audible means any noise or sound produced by any source that can be clearly heard by a person using normal hearing or ordinary auditory senses.
3. No person, who is the owner, person in possession of a premises, person in control of the premises by reason of employment, agency, or otherwise, whether such ownership, possession, or control is exclusive or joint, shall violate or permit a violation of this Resolution.

### **B. EVIDENCE**

It is prima facie a violation of this Resolution when the noise is plainly audible in the following circumstances:

1. In an area zoned for residential use, where the sound is plainly audible more than 50 feet from the property line of the property on which the source of the sound is located:
2. On a street, highway, or in the public right of way where sound is plainly audible 50 feet from the vehicle generating the sound;
3. From premises to which a D permit has been issued by the Division of Liquor Control, where the sound is plainly audible more than 50 feet from the property line of the said premises, without regard to whether the said premises is within or adjacent to a district which is zoned for residential use.

### **C. NOISE FROM MOTOR VEHICLES**

No person shall operate within the Township a passenger car or motorcycle subject to registration, at any time or under any condition of load, acceleration or deceleration, in such manner as to exceed the following maximum noise limits, based on a distance of not less than 50 feet from the center of the line of travel:

1. For passenger cars:
  - (a) When operated at a speed of 35 mph or less, a maximum noise limit of 70 decibels;

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(b) When operated at a speed of more than 35 mph, a maximum noise level of 79 decibels.

2. For motorcycles:

(a) When operated at a speed of 35 mph or less, a maximum noise limit of 82 decibels.

(b) When operated at a speed of more than 35 mph, a maximum noise limit of 86 decibels.

### **D. MUFFLERS REQUIRED**

Passenger cars, motorcycles, or other devices using internal combustion engines, in the unincorporated area of the township are required to use mufflers as follows:

1. No person shall operate or cause to be operated any motor vehicle, agricultural tractor, motorcycle, all-purpose vehicle, or snowmobile not equipped with a factory-installed muffler or equivalent muffler in good working order and in constant operation.
2. No person shall remove or render inoperative or cause to be removed or rendered inoperative, any muffler, other than for purposes of maintenance, repair, or replacement.
3. No person shall discharge into the open area the exhaust of any stationary or portable internal combustion engine except through a factory-installed muffler or equivalent muffler in good working order and in constant operation.
4. No person shall race the motor of any vehicle described in this section in such a manner that the exhaust system emits a loud, cracking, or chattering noise unusual to its normal operation.
5. No person shall use an engine retarder (including but not limited to, so-called 'Jake breaks') on a motor vehicle that causes the motor vehicles motor to race in such a manner as to cause its exhaust system to emit a loud cracking or chattering noise unusual to its normal operation.

### **E. PENALTIES**

Whoever violates Section A of this resolution is guilty of a misdemeanor of the second degree, and all fines collected hereunder shall be paid into the Township General Fund. Whoever violates Section C or D of this Resolution is guilty of a minor misdemeanor, and all fines collected hereunder shall be paid into the Township General Fund.

### **F. EXEMPTIONS**

The following activities are exempt from the noise restrictions of this Resolution:

1. Any person engaging in activities described in Section 1.61 of the Ohio Revised Code (Titled: "Agriculture defined") is exempt from the provisions of this Resolution if the noise is attributed to an activity described in section 1.61 of the Revised Code.
2. Any person who engages in coal mining and reclamation operations, as defined in division (B) of Section 1513.01 of the Ohio Revised Code, or surface mining, as defined in division (A) of Section 1514.01 of the Ohio Revised Code, is exempt from the provisions of this Resolution if the noise is attributed to coal mining and reclamation or surface mining activities.
3. Noise resulting from the drilling, completion, operation, maintenance, or construction of any crude oil or natural gas wells or pipelines or any appurtenances to those wells or pipelines or from the distribution, transportation, gathering, or storage of crude oil or natural gas is exempt from the provisions of this Resolution.

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### G. CIVIL ACTION

Pursuant to division (F) of section 505.172 of the Ohio Revised Code, any person aggrieved by another person's violation of this Resolution may seek in a civil action a declaratory judgment, an injunction, or other appropriate relief against the other person for committing an act or practice that violates this Resolution. In addition, the Board may also seek in a civil action an injunction against each person that commits an act or practice that violates this Resolution. A court involved in any civil action concerning a violation of this Resolution may award to the prevailing party reasonable attorneys' fees limited to the work reasonably performed.

### H. NOTICE

Signs conforming to ORC Section 4511.09, giving notice of these regulations, shall be posted as provided R.C. 4513.221(D).

Notice of adoption of this resolution (a) shall be posted by the Township Fiscal Officer in five conspicuous public places in the township for thirty (30) days before becoming effective, and (b) shall be published in a newspaper of general circulation in the township, as provided in Ohio Revised Code 505.17(B)(1).

Motion by: Rich Harkins                      Seconded by: Marvin McBride  
 Vote: Steve Gerberry - Yes      Rich Harkins - Yes      Marvin McBride - Vote  
 Motion Carried

#### Public Comments:

Open Comments

**Next Meetings:**                      Regular Meeting Every Thursday at 12:00 PM; and Tuesday, February 9, 2021 at 7:00 PM.

#### Adjournment:

21-010 Motion to *adjourn the meeting*.

Motion by: Marvin McBride                      Seconded by: Rich Harkins  
 Vote: Steve Gerberry - Yes      Rich Harkins - Yes      Marvin McBride - Yes  
 Motion Carried

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Fred Bobovnyk, Fiscal Officer

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Steven J. Gerberry, Trustee

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Richard T. Harkins, Trustee

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Marvin J. McBride, Trustee