

July 14, 2015

Mr. Gerberry called the meeting to order.

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

**Moment of Acknowledgement:**

We ask that you keep a young Township resident in your thoughts; Sean Riley, son of Kevin and Amy Riley, was recently diagnosed with leukemia. Sean, who is living with Down syndrome, is seven years old has just begun his battle with leukemia at the Akron Children's Hospital. Sean has told his parents that "I am brave" and we ask that you keep "Hope for Sean". You can follow this amazing youngster's progress and show your support for him on Facebook at "Hope for Sean". Sean loves to see videos and pictures of dogs, so please share your dog videos and pictures on the "Hope for Sean" Facebook page and you can see his infectious smile on Facebook too.

**Correspondence/Announcements:**

- The Trustees held their Annual Spring Clean-Up Program the week of Monday, June 8<sup>th</sup>, 2015 and the program was a great success again this year.
- The 2015 Flag Day Festival was held on June 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup>, 2015 and the festival was an amazing success. Plans are already being discussed for next year's festival.
- The Trustees were awarded nearly \$2,400 in grant funds from the Geauga-Trumbull Waste District for their 2015 Scrap Tire Grant. Curbside collection will begin on Monday, August 3<sup>rd</sup>, 2015 and continue through Friday, August 7<sup>th</sup>, 2015. There is a limit of four car tires (off rims) per household, large truck tires will NOT be accepted. You can also drop-off your tires between 8:00 AM and 3:30 PM during the collection week at the Township Administration Building at 1451 Prospect Street, Mineral Ridge, Ohio 44440.
- The Trustees 2015 Residential Tree Limb Chipping Program continues. The 2015 Residential Tree Limb Chipping Program began on Friday April 10<sup>th</sup>, 2015 and will continue each Friday through October 30<sup>th</sup>, 2015. For tree limb pick-up, you must call the Township by Thursday of each week to be placed on the list for a Friday pick-up. Please keep the following rules and procedures in mind:
  - This program is intended for residential tree limbs up to 3 inches in diameter.
  - The tree limbs must be placed at the curbside with all the cut ends aligned with each other.
  - No shrubs, stumps, roots, lumber, or rail road ties will be accepted. All tree limbs must be free from vines.
  - We are not a tree removal service; if you are having a tree professionally removed let them do the entire job, you must have them take the tree limbs as well.
- The Trustees were awarded a \$500 MORE Grant from the Ohio Township Association Risk Management Association (OTARMA). This year's OTARMA MORE Grant will be used towards the purchase of a new ballistic vest for our police department.

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- The Ohio Public Works Commission (OPWC) Warner Avenue Paving Project was completed in early July.
- The Township and the Trumbull County Engineer's Office completed some roadside drainage improvements along Niles Carver Road last week.
- Amended Substitute House Bill 64, the FY 2016 – 2017 biannual budget, was signed by Governor Kasich at the end of June. Amended House Bill 64 eliminates an additional \$225,000 in revenue from our budget. This elimination, along with previous cuts, eliminations, and reductions now totals nearly \$650,000 annually in revenue from our budget.
- The Prescription Drug Drop Box that our Police Department purchased has been installed in our lobby.

**Financial Report – Fiscal Officer Fred R. Bobovnyk:**

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

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**Administrator's Report – Dave Rouan****Administrator's Monthly Report – July 2015****Administrative Actions**

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

**Administrative Announcements**

1. The Trustees held their **Annual Spring Clean-Up Program the week of Monday, June 8<sup>th</sup>, 2015 and the program was a great success** again this year.
2. The **2015 Flag Day Festival was held on June 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup>, 2015** and the festival was an amazing success. Plans are already being discussed for next year's festival.
3. The **Trustees were awarded nearly \$2,400 in grant funds from the Geauga-Trumbull Waste District** for their **2015 Scrap Tire Grant**. Curbside collection will begin on Monday, August 3<sup>rd</sup>, 2015 and continue through Friday, August 7<sup>th</sup>, 2015. There is a limit of four car tires (off rims) per household, large truck tires will NOT be accepted. You can also drop-off your tires between 8:00 AM and 3:30 PM during the collection week at the Township Administration Building at 1451 Prospect Street, Mineral Ridge, Ohio 44440.
4. **The Trustees are 2015 Residential Tree Limb Chipping Program continues.** The 2015 Residential Tree Limb Chipping Program began on Friday April 10<sup>th</sup>, 2015 and will continue each Friday through Friday October 30<sup>th</sup>, 2015. For tree limb pick-up, you must call the Township by Thursday of each week to be placed on the list for a Friday pick-up. Please keep the following rules and procedures in mind:
  5. This program is intended for residential tree limbs up to 3 inches in diameter.
  6. The tree limbs must be placed at the curbside with all the cut ends aligned with each other.
  7. No shrubs, stumps, roots, lumber, or rail road ties will be accepted. All tree limbs must be free from vines.
  8. We are not a tree removal service; if you are having a tree professionally removed let them do the entire job, you must have them take the tree limbs as well.
9. The **Trustees were awarded a \$500 MORE Grant from the Ohio Township Association Risk Management Association (OTARMA)**. This year's OTARMA MORE Grant will be used towards the purchase of a new ballistic vest for our police department.
10. The **Ohio Public Works Commission (OPWC) Warner Avenue Paving Project** was completed in early July.
11. The Township and the Trumbull County Engineer's Office completed some roadside drainage improvements along Niles Carver Road last week
12. Amended Substitute House Bill 64, the FY 2016 – 2017 biannual budget, was signed by Governor Kasich. Amended House Bill 64 eliminates an additional \$225,000, totaling over \$650,000 annual revenue that has been eliminated from out budget.
13. The **Prescription Drug Drop Box that our Police Department purchased has been installed in our lobby.**

**Highway Department**

1. We completed 23 Work Orders during the month of June.
2. We worked in the cemetery, roadside mowing, bike path mowing, and miscellaneous roadway repairs and maintenance.
3. Monthly check of the roadways and signs were completed.
4. General maintenance on various fleet vehicles.

**Cemetery**

1. See attached Cemetery Report

Respectfully submitted:

Dr. David A. Rouan, AICP  
Township Administrator

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**Cemetery Report Dave Rouan**

(Prepared by Melissa Ritchie)

*JUNE 2015*

Sales/Financial Report

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-G-774-4 Occupied Nickels, Clarence	\$0.00	\$0.00	\$0.00	\$900.00	08/19/2003	Deed Book 13 Deed Page 113
KC-G-783-4 Occupied Wilson, Ralph	\$0.00	\$0.00	\$0.00	\$350.00	02/10/2005	Deed Book 13 Deed Page 145
KC-NEW E-282-2 Occupied	\$0.00	\$0.00	\$0.00	\$800.00		
KC-NEW E-397-2 Occupied	\$0.00	\$0.00	\$0.00	\$900.00		

*OPENING/CLOSING COST \$ 3,050.00 Month Total. MSR.*

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**Zoning Report – Zoning Inspector Melissa Ritchie**

**WEATHERSFIELD TOWNSHIP ZONING OFFICE  
MONTHLY REPORT JUNE 2015**

I. FEES COLLECTED

Zoning Permit Fees	\$ 187.69	Value (\$): 31,238.00
Occupancy Permit Fees	\$ 0.00	
C.UP 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:		\$ 187.69

II. Zoning Commission: June 10, 2015

III. Board of Appeals: June 11, 2015  
Approved Variance on Garage

IV. Next Meeting: ZC July 8, 2015 @6:00PM  
BZA ....

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**Police Report – Chief Michael Naples**



**WEATHERSFIELD TOWNSHIP POLICE**

**Monthly Report for June 2015**

Chief Michael J. Naples, Jr.  
 Captain Kristopher W. Hodge.

**TRUMBULL COUNTY E911**

Report Dates from 06/01/2015 to 06/30/2015

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

Department : WEA	Complaint Code	Description	Number
	ABC	ABANDONED 911 CALL	8
	ABW	ABANDONED VEHICLE	4
	AC	ANIMAL COMPLAINT	12
	AD	ALARM DROP	73
	APD	ASSIST POLICE DEPARTM	3
	AS	ASSAULT	2
	ATL	ATTEMPT TO LOCATE	4
	BE	BREAKING AND ENTERING	3
	BG	BURGLARY	3
	C10	ASSIST OFFICER	2
	C2	CRASH PROPERTY DAMAG	19
	C4P	CRASH WITH REPORTED II	12
	CD	CRIMINAL DAMAGING	2
	CE	CHILD ENDANGERING	2
	CKW	CHECK WELFARE	3
	CPS	COURT PAPER SERVICE	3
	CT	CRIMINAL TRESPASS	3
	CUS	CUSTODY PROBLEM	2
	DA	DRUG ACTIVITY	4
	DAV	DISABLED VEHICLE	18
	DIS	DISTURBANCE	9
	DM	DELIVER MESSAGE OR NC	2
	DOM	DOMESTIC	13
	EADP	ALARM DROP MEDICAL	1
	ECAP	CARDIAC ARREST	1
	ECFP	CHEST PAINS	4
	EDIAEP	DIABETIC	2
	EDQAP	DOA	1
	EFALLP	FALL	4
	EFRACTP	FRACTURE	1
	ELAP	LIFT ASSIST	1
	EODP	OVERDOSE	2
	ESOBP	SHORTNESS OF BREATH	2
	ESTROKFP	STROKE	3
	ESUIP	SUICIDE	4
	ETIEP	TRAUMATIC INJURY	2
	EUIFP	UNCONSCIOUS/FAINTED	3
	EUFP	EMS UNKNOWN PROBLEM	8
	FBCP	BURNING COMPLAINT	1
	FELEP	ELECTRICAL FIRE	1
	FFADP	FIRE ALARM DROP	2
	FGASP	GAS LEAK	1
	FGT	FIGHT	2
	FIREP	FIRE MISCELLANEOUS	2
	FSFP	STRUCTURE FIRE	2
	FSVCP	SERVICE CALL	1
	FVFP	VEHICLE FIRE	2
	FW	FIREWORKS COMPLAINT	2
	FWTDP	WIRES/TREES DOWN	1
	HAR	HARASSMENT	2
	HS	HIT SKIP	2
	INF	INFORMATION	25
	INV	INVESTIGATION	8
	ITX	INTOXICATED PERSON	3
	JD	JUVENILE DELINQUENT OF	4
	JR	JUVENILE RUNAWAY	2

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**WEATHERSFIELD TOWNSHIP POLICE**

Chief Michael J. Naples, Jr.  
 Captain Kristopher W. Hodge.

**TRUMBULL COUNTY E911**

Report Dates from 05/01/2015 to 05/31/2015

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

Department : <b>WEA</b>	Complaint Code	Description	Number
	LT	LANDLORD/TENANT PROB	3
	MEN	MENTALLY IMPAIRED PER	1
	MJ	MISSING JUVENILE	2
	MP	MISSING PERSON	1
	NC	NOISE COMPLAINT	8
	NP	NEIGHBOR PROBLEM	5
	PWG	PERSON WITH GUN	1
	REPO	REPO	5
	ROS	REPORT ON STATION	4
	RP	RECOVERED PROPERTY	1
	S19	RETURN PHONE CALL	33
	SBH	SHOTS BEING HEARD	3
	SC	SPOT CHECK	4
	SHF	SHOPLIFTING	1
	SOL	SOLICITATION	3
	SPA	SUSPICIOUS ACTIVITY	15
	SFP	SUSPICIOUS PERSON	12
	SPV	SUSPICIOUS VEHICLE	24
	STB	STANDBY	5
	THE	THEFT	12
	THR	THREATS	8
	TRA	TRANSPORT PERSON OR I	10
	TRC	TRAFFIC REGULATION COI	17
	TS	TRAFFIC STOP	211
	UNK	UNKNOWN PROBLEM	13
	USP	UNSECURED PROPERTY	3
	UTI	UTILITY PROBLEMS OR CC	1
	UV	UNAUTHORIZED USE OF V	1
	UW	UNWANTED PERSON OR F	7
	WAR	WARRANT SERVICE	9
	WRC	WEATHER RELATED CALL	1
		<b>GRAND TOTAL:</b>	<b>729</b>

Citations issued in June: 89

Number of Arrests in June: 59

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**Fire Report – Chief Randy Pugh**

**District Summary**

June 2015

District	Situation Type	Dollar Loss	# of Incid's	F.S. Injury	Civ. Injury	F.S. Death	Civ. Death
40	111 Building fire		1	0	0	0	0
	<b>Totals for All Fires in District:</b>		1	0	0	0	0
40	322 Vehicle accident with injuries		2	0	0	0	0
40	520 Water problem, other		3	0	0	0	0
40	650 Steam, other gas mistaken for smoke, oth		1	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		8	0	0	0	0
	<b>Totals for All Non-Fire in District:</b>		15	0	0	0	0
	<b>Totals for All Incidents in District</b>		16	0	0	0	0
41	111 Building fire		1	0	0	0	0
41	154 Dumpster or other outside trash receptac		1	0	0	0	0
	<b>Totals for All Fires in District:</b>		2	0	0	0	0
41	322 Vehicle accident with injuries		3	0	0	0	0
41	440 Electrical wiring/equipment problem, of		1	0	0	0	0
41	444 Power line down		1	0	0	0	0
41	500 Service Call, other		2	0	0	0	0
41	520 Water problem, other		7	0	0	0	0
41	611 Dispatched & canceled en route		1	0	0	0	0
41	661 EMS call, party transported by non-fire		20	0	0	0	0
	<b>Totals for All Non-Fire in District:</b>		35	0	0	0	0
	<b>Totals for All Incidents in District</b>		37	0	0	0	0
42	142 Brush, or brush and grass mixture fire		1	0	0	0	0
	<b>Totals for All Fires in District:</b>		1	0	0	0	0
42	322 Vehicle accident with injuries		2	0	0	0	0
42	412 Gas leak (natural gas or LPG)		1	0	0	0	0
42	520 Water problem, other		1	0	0	0	0
42	611 Dispatched & canceled en route		1	0	0	0	0
42	661 EMS call, party transported by non-fire		4	0	0	0	0
42	745 Alarm system sounded, no fire - unintent		1	0	0	0	0
	<b>Totals for All Non-Fire in District:</b>		10	0	0	0	0
	<b>Totals for All Incidents in District</b>		11	0	0	0	0
<b>Grand Total for All Incidents</b>			64	0	0	0	0



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**Attorney's Report – Attorney Cherry Poteet**

**ATTORNEYS' REPORT**

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

FROM: CHERRY LYNNE POTEET, ESQ.

DATE: July 14, 2015

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

1. Richard Mattessich v. Weathersfield Township  
Case No. 2015 TR 68  
Eleventh District Court of Appeals.

On June 29, 2015, Mr. Mattessich filed an appeal of the decision of the Trumbull County Court of Common Pleas judgment in favor of the Township.

2. Southside Environmental Group, LLC v. Board of Township Trustees & Board of Zoning Appeals  
Case No. 2014CV2241  
Trumbull County Ct. C. P., Judge Kontos

This case has been briefed by both parties. It will be decided on the briefs and the transcript of the hearing before the Board of Zoning Appeals. The Judge will decide the matter sometime after July 17, 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.

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**New Business:**

- 15-102 Mr. Blair made a motion to approve the consent agenda, which includes the following:
- Minutes from the Budget hearing on June 9, 2015 at 6:45PM.
  - Minutes from the Regular Meeting on June 9, 2015 at 7:00PM.
  - Drawing warrants upon our treasury and paying township bills.
  - Then and Now’s pursuant to the list provided.

	<u>THEN</u>	<u>NOW</u>	<u>AMOUNT</u>
Staley Communication	07/09/15	07/14/15	\$2,364.00
Inventive Sign & Design	06/30/15	07/14/15	\$630.00
Hudson Communications	06/26/15	07/14/15	\$742.30
Pontem Software	07/01/15	07/14/15	\$776.00
Staley Communication	07/08/15	07/14/15	\$1,200.00

Mr. McBride seconded the motion.

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

- 15-103 Mr. McBride made a motion to adopt the revised 2016 Revenue and  
 Amend Appropriation Budget in the following manner;  
 2015 Budget

1. General Fund on a level of control at the line item basis;
2. All remaining funds on a fund basis; and

to obtain a Certificate of Official Resources and to request a certificate stating that our appropriations do not exceed the Certificate of Official Resources from the Trumbull County Budget commission.

Mr. Blair seconded the motion.

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

- 15-104 Mr. Blair made a motion to request an advance on Real Estate Property  
 Adv Real Tax per the following resolution:  
 Estate Tax

WHEREAS, the township Board of Trustees of Weathersfield Township is authorized to request an advance of Real Estate Property Taxes and Delinquent Real Estate Property Taxes pursuant to ORC 321.34

WHEREAS, the Township Board of Trustees of Weathersfield Township does hereby request an advance of Real Estate Property Taxes and Delinquent Real Estate Property Taxes pursuant to ORC 321.34.



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15-107 Mr. McBride made a motion to accept the resignations of the following  
Resignation Firefighters effective July 1<sup>st</sup>, 2015:  
firefighters

1. Bradly Kasnck – Station 40
2. Jessie Humphrey – Station 41
3. Lisa Storey – Station 42

These individuals are pursuing other opportunities.

Mr. Blair seconded the motion.

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

Motion carried.

15-108 Mr. Blair made a motion to authorize Township Administrator David Rouan  
Salt claim to submit a claim to the Ohio Attorney General’s Office on behalf of the  
Trustees, effective June 25<sup>th</sup>, 2015. The purpose of this claim is to determine  
if the Township is eligible to receive any of the proceeds from the \$11.5  
million Rock Salt Settlement Agreement that has been reached between the  
Ohio Attorney General’s Office and Morton Salt and/or Cargill, Inc. The  
period of time for this potential claim includes July 1<sup>st</sup>, 2008 through June  
30<sup>th</sup>, 2011.

Mr. McBride seconded the motion.

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

Motion carried.

15-109 Mr. McBride made a motion to authorize the temporary closure of TH 1374  
Close (Wildwood Drive) on Saturday, August 29<sup>th</sup>, 2014 from 4:00 PM until  
Wildwood midnight. The purpose of this temporary road closure is for the annual  
neighborhood block party.

Mr. Blair seconded the motion.

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

Motion carried.

15-110 Mr. McBride made a MOTION TO ADOPT A RESOLUTION  
Electric AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT  
Aggregation GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM  
WITH OPT- OUT PROVISIONS PURSUANT TO SECTION 4928.20  
OHIO REVISED CODE AND DIRECTING THE TRUMBULL  
COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT  
QUESTION TO THE ELECTORS OF WEATHERSFIELD TOWNSHIP .

Whereas, The Ohio Legislature has enacted electric deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity (“Governmental Aggregation”); and

Whereas, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

Whereas, Governmental Aggregation provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which

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would not otherwise be available to those electricity customers individually;  
and

Whereas, the Board of Trustees of Weathersfield Township (“the Board”) seeks to establish a Governmental Aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the “Aggregation Program”) for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Weathersfield Township, Trumbull County, Ohio that:

Section 1: The Board finds and determines that it is in the best interest of Weathersfield Township, its residents, businesses and other electric consumers located within the corporate limits of the Township to establish an Aggregation Program in the Township. Provided that the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Board is hereby authorized to automatically aggregate, in accordance with Section 4928.20, Ohio Revised Code, the retail electric loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the purchase and sale of electricity. The Board may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

Section 2: The Board of Elections of Trumbull County is hereby directed to submit the following question to the electors of Weathersfield Township at the election on November 3, 2015:

Shall the Board of Trustees of Weathersfield Township, Trumbull County, OH have the authority to aggregate the retail electric load located in the Township, and for that purpose, enter into services agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?

\_\_\_\_\_ FOR THE ELECTRIC AGGREGATION PROPOSAL

\_\_\_\_\_ AGAINST THE ELECTRIC AGGREGATION PROPOSAL

The Fiscal Officer of this Board is instructed to immediately file a certified copy of this Resolution and the proposed form of the ballot question with the Trumbull County Board of Elections not less than ninety (90) days prior to the election. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20, Ohio Revised Code.

Section 3: Upon approval of a majority of the electors voting at the election provided for in Section 2 of this Resolution, this Board, individually or jointly with any other political subdivision, may develop a plan of operation and governance for the Aggregation Program.

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Before adopting such plan, this Board shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board shall aggregate the electric load of any electric load center within the Township unless it, in advance, clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions, of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least every three years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under Section 4928.14 or division (D) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Section 4: It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board and that the deliberations of this Board and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Mr. Blair seconded the motion.

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

Motion carried.

15-111  
Natural gas  
Aggregation

Mr. McBride made motion to adopt A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE TRUMBULL COUNTY BOARD OF ELECTION TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF WEATHERSFIELD TOWNSHIP.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, pursuant to Section 4929.26 of the Ohio Revised Code, subject to opt-out provisions, the retail natural gas service located in the respective jurisdictions and to enter into service agreements to facilitate the sale of the natural gas loads; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities;

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually;

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WHEREAS, the Board of Trustees of Weathersfield Township seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other natural gas consumers in Weathersfield Township and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF WEATHERSFIELD TOWNSHIP, TRUMBULL COUNTY, STATE OF OHIO:

SECTION 1. This Board finds and determines that it is in the best interest of Weathersfield Township, Trumbull County, OH, its residents, businesses and other natural gas consumers located within the corporate limits of the Township to establish a natural gas Aggregation Program in the Township. Provided that the Aggregation Program is approved by the electors of Weathersfield Township, OH pursuant to Section 2 of this Resolution, Weathersfield Township, OH is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using natural gas proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2. The Board of Elections of Trumbull County is hereby directed to submit the following question to the electors of Weathersfield Township, Trumbull County, OH at the general election on November 3, 2015. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this issue at the election held pursuant to this resolution and Section 4929.26 of the Ohio Revised Code.

The form of the ballot to be used in the November 3, 2015, election shall be substantially as follows:

Shall Weathersfield Township, Trumbull County, OH have the authority to aggregate the retail natural gas loads located in the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

\_\_\_\_\_ FOR THE GAS AGGREGATION PROPOSAL

\_\_\_\_\_ AGAINST THE GAS AGGREGATION PROPOSAL

The Fiscal Officer of Weathersfield Township, OH is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the Trumbull County Board of Elections not less than ninety (90) days prior to November 3, 2015. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this

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Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4929.26 of the Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Resolution, this Board, individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Board shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board shall aggregate the natural gas of any natural gas customer within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the natural gas that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two years without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person’s retail natural gas load until the person chooses an alternative supplier.

SECTION 4. This Board of Trustees finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Mr. Blair seconded the motion.

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

Motion carried.

15-112 Mr. Blair made a motion to adopt a RESOLUTION PROPOSING THE  
Moratorium HONORABLE JOHN R. KASICH, GOVERNOR OF THE STATE OF  
Injection wells OHIO, TO DECLARE A MORATORIUM OF NEW INJECTION WELLS  
IN TRUMBULL COUNTY, OHIO, and declaring an emergency.

WHEREAS, on May 20, 2015, the Board of Trumbull County Commissioners hosted a joint meeting with Commissioners from Ashtabula County, Mahoning County, Portage County, Stark County, Meigs County, Morrow County, the Trumbull County Township Trustees Association Committee, the Ashtabula County Township Trustees Association Committee, and the general public to discuss legislative and regulatory reform initiatives for restoration of certain local government controls over Class II injection wells; and

WHEREAS, concerns were expressed regarding the context of legislative and regulatory reforms impacting the health, safety, and welfare of area residents including, without limitation, protection of local infrastructure, fresh water supplies, and property values; and



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WHEREAS, Trumbull County is leading the State in the number of injection wells and 75% of the waste being transported into our area is from out of state. In Ohio, Class II injection wells are loosely regulated and not monitored for contaminant migration; and

WHEREAS, authority to implement local controls through zoning resolutions or otherwise was negatively impacted in 2004 after HB 278 was passed. Unintended consequences of that legislation include the proliferation of a disparate number of Class II injection wells in rural townships, villages and cities in Ohio's Appalachian counties and other mostly rural counties; and

WHEREAS, these consequences include unfunded burdens on our local government infrastructure, citizens' concerns regarding their health and safety, and the anticipated long term devaluation of real property values, financial loss to property owners, and tax base dilution; and

WHEREAS, the process known as "salt water injection" used to deposit brine/toxic waste under extreme pressure in wells several thousands of feet, as well as shallow injection wells, has been alleged to pollute water aquifers and trigger seismic activity. Further, Ohio has faced unusual seismic activity; and

WHEREAS, the Weathersfield Township Trustees requests the State of Ohio to contribute part of the license and permit fees for these wells to Trumbull County to help defray the costs incurred by local governments including, without limitation, to local fire, police, HAZMAT, highway, and other impacts to local infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE WEATHERSFIELD TOWNSHIP TRUSTESS, TRUMBULL COUNTY, STATE OF OHIO, that:

Section I. The Fiscal Officer shall send a certified copy of this Resolution to the Honorable John R. Kasich, Governor of the State of Ohio, Chief James Zehringer of the Ohio Department of Natural Resources and Craig Butler, Director of the Ohio Environmental Protection Agency.

Section II. The Weathersfield Township Trustees, Trumbull County, Ohio hereby joins the ranks of the Board of Trumbull County Commissioners, all other County Commissioners, Township Associations and Municipalities opposed to the injection of toxic oil and gas waste and to the permitting of additional Class II injection wells due to known and unknown risks and to the harm industrial dumping allegedly inflicts on Ohio communities.

Section III. The passage of this Resolution and all deliberations relating to the passage of this Resolution were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Section IV. This Resolution is considered to be an emergency measure for the purpose of promoting the health, safety and welfare of the residents of Weathersfield Township, Trumbull County, Ohio in light of the issues relating to injection wells within the Township and Trumbull County, and shall take effect, and be in full legal force and effect, at the earliest time allowed by law.

Mr. McBride seconded the motion.

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

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- 15-113 Mr. McBride made a motion to go into Executive Session at 7:35 PM to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.  
Mr. Blair seconded the motion.  
Vote: Mr. McBride – yes Mr. Blair – yes Mr. Gerberry – yes  
Motion carried.
- 15-114 Mr. Blair made a motion to come out of Executive Session at 8:40 PM.  
Mr. McBride seconded the motion.  
Vote: Mr. Blair – yes Mr. McBride – yes Mr. Gerberry – yes  
Motion carried.
- 15-115 Mr. McBride made a motion to adjourn the meeting.  
Adjourn Mr. Blair seconded the motion.  
Vote: Mr. McBride – yes Mr. Blair - yes Mr. Gerberry – yes  
Motion carried.

**Next Meetings:**

Caucus: Thursday, July 30, 2015 at 8:00 AM  
Meeting: Tuesday, August 11, 2015 at 7:00 PM.  
The Trustees open forum begins at 6:15 PM.

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*Fred R. Bobovnyk, Fiscal Officer*

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*Steven J. Gerberry, Chairman*

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*H. Gilson Blair, Vice-Chairman*

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*Marvin J. McBride, Trustee*