

## RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, July 12, 2022 at 7:00 PM

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**Call to order:** Steve Gerberry

**Pledge:** Completed

**Prayer:** Steve Gerberry

**Roll Call:** Steven Gerberry - Present                      Richard Harkins - Present  
Edward Whittaker - Present                      Fred Bobovnyk - Present

**Correspondence/Announcements:**

- The **Trustees would like to remind our residents that the 2022 Residential Tree Limb Chipping Program is continuing.** The 2022 Residential Tree Limb Chipping Program will begin on Friday May 6, 2022 and will continue each Friday through Friday October 28, 2022. 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 toward the street.
  - No shrubs, stumps, roots, lumber, or railroad 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 would like to remind our residents that the Township Gas Aggregation Program with Constellation Energy will be ending with your meter reading in May.** The Trustees would like to remind our residents that they have an opportunity to join the Trumbull County Gas Aggregation Program. The Trumbull County Gas Aggregation Program began in March of this year and continues through February 2026. A fixed rate of \$3.99 per Mcf has been established and there is a senior discount (over 65) at \$3.89/Mcf. For enrollment information please contact Constellation Energy at (844) 809-6834

**Reports:**

- Financial Report – Presented by Fred Bobovnyk
- Administrator’s Report – Presented by David Rouan
- Zoning Report – Presented by Melissa Murphy
- Police Report – Presented by Police 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

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:**

22-100 Motion to **approve the minutes from the Regular Meeting that was held on Tuesday, June 14, 2022 at 7:00 PM.**

Motion by: Rich Harkins                      Seconded by: Edward Whittaker  
Steven Gerberry - Yes                      Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
Motion Carried

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22-101 Motion to **approve the drawing warrants upon our treasury and paying township bills.**

Motion by: Edward Whittaker    Seconded by: Rich Harkins  
 Steven Gerberry - Yes            Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
 Motion Carried

22-102 Motion to **approve the Then and Now's pursuant to the list provided by the Fiscal Officer.**

Motion by: Rich Harkins            Seconded by: Edward Whittaker  
 Steven Gerberry - Yes            Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
 Motion Carried

22-103 Motion to **adopt a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.**

RESOLVED, by the Board of Trustees of Weathersfield Township, Trumbull County, Ohio, in accordance with §5705.281 of the Ohio Revised Code, previously provided the Alternative Tax Budget Information for the next succeeding fiscal year commencing January 1, 2023: and

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

THEREFORE, BE IT RESOLVED, by the Board of Trustees of Weathersfield Township, Trumbull County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and

BE IT FURTHER RESOLVED, that there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

<u>WEATHERSFIELD</u> <u>TWP</u>		Est. Value <u>165,896,990</u>		
SCHEDULE A SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10M. Limit
	Column I	Column II	Column III	Column IV
General Fund (includes County Health)	340,089 24,885		2.05 0.15	
Road and Bridge Fund				
Cemetary Fund				
Lighting Fund				
Police District Fund		1,041,368		7.40
Fire District Fund		381,902		2.50
<b>Total</b>	<b>364,974</b>	<b>1,423,270</b>	<b>2.20</b>	<b>9.90</b>
Tangible Reimbursement and PU from State Total		0 ----- 1,788,244		

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SCHEDULE B LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES			
FUND		Maximum Rate Authorized to be levied	County Auditor's Est. of Yeild of Levy (Carry to Schedule A,Column II)
<b>General Fund:</b>			
Current Expense Levy authorized by voters on not to exceed 5 years			
<b>Special Levy Funds:</b>			
Levy authorized by voters on Police Levy- Continuous	05/06/14	1.80	
Levy authorized by voters on Police Levy- Continuous	06/08/82	1.90	
Levy authorized by voters on Police & EMS Levy- Continuous	11/04/08	3.70	
Levy authorized by voters on Fire & EMS Levy- Continuous	05/07/13	2.50	

AND BE IT FURTHER RESOLVED, that the Fiscal Officer of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of Said County.

Motion by: Rich Harkins                      Seconded by: Edward Whittaker  
 Steven Gerberry - Yes                      Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
 Motion Carried

22-104 Motion to adopt a **RESOLUTION AUTHORIZING DAVID ROUAN, TOWNSHIP ADMINISTRATOR, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.**

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Weathersfield Township is planning to make capital improvements to the Township Road Improvements Project, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by Weathersfield Township:

Section 1: David Rouan, Township Administrator, is hereby appointed the Chief Executive Officer for the project;

Section 2: Fred R. Bobovnyk, Fiscal Officer, is hereby appointed the Chief Financial Officer for the project;

Section 3: David Rouan, Township Administrator, is hereby authorized to apply to the OPWC for funds as described above; and

Section 4: David Rouan, Township Administrator, is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Motion by: Edward Whittaker    Seconded by: Rich Harkins  
 Steven Gerberry - Abstained    Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
 Motion Carried

22-105 Motion to adopt a **RESOLUTION CERTIFYING THE NECESSARY AMOUNT TO BE USED TO PAY THE LOCAL SHARE NECESSARY TO PARTICIPATE IN THE OHIO**

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### PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Weathersfield Township is planning to make capital improvements to the Township Road Improvements Project, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by Weathersfield Township:

Section 1: Weathersfield Township has the amount of \$87,598.01 in the General Fund and that this amount will be used to pay the local share for the herein above described project when it is required.

Section 2: Fred R. Bobovnyk, Fiscal Officer, is hereby directed to complete the Chief Financial Officer's Certification of Local Funds for the project.

Motion by: Rich Harkins      Seconded by: Edward Whittaker  
Steven Gerberry - Abstained    Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
Motion Carried

- 22-106 Motion to ***authorize the closure of TH1494 (Fox Chase) between TH1495 (Deer Trail) and TH1493 (Country Meadows Avenue)***. The road closure will be effective Sunday, July 3, 2022 from 7:00 PM until 10:00 PM. The purpose of the road closure is for a block party. This area may be used for any purpose associated with the event; however, alcoholic beverages may not be consumed within the public right-of-way and fireworks may not be ignited/discharged within in the public right-of-way.

Motion by: Edward Whittaker    Seconded by: Rich Harkins  
Steven Gerberry - Abstained    Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
Motion Carried

- 22-107 Motion to ***adopt a DECLARATION OF NUISANCE AND TO ABATE NUISANCE AND REMOVE GRASS AND WEEDS PURSUANT TO Ohio Revised Code (O.R.C.) §505.87***

**PROPERTY LOCATED AT:  
3624 South Main Street, Mineral Ridge,  
Weathersfield Township, Trumbull County, Ohio 44440**

WHEREAS, O.R.C. §505.87 authorizes a Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance; and

WHEREAS, the Property located at **3624 South Main Street, Mineral Ridge, OH 44440** Weathersfield Township, Trumbull County, Ohio, Parcel No. 21-155750 (hereinafter "the Property"), has been inspected by the Township Zoning Inspector, who has taken photos of the property showing that the grass is unmowed and there are overgrown bushes and weeds.

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

**Section 1:** The Board of Trustees determines that the accumulation of vegetation, including unmowed grass, overgrown bushes and weeds, upon the Property constitutes a nuisance, which is dangerous, unhealthy, and unsightly to the neighborhood and community and which negatively impacts property values and the general welfare of the community, and must be abated pursuant to O.R.C. §505.87.

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**Section 2:** The Owners of the property are ordered to immediately abate, control or remove the overgrown vegetation and mow and maintain the grass on the Property.

**Section 3:** The Township Fiscal Officer shall give notice of this Resolution to the owners of the Property by publication in a newspaper of general circulation in the Township and by posting a notice on the principal structure on the land. The Property Owner to be notified is: SABIR Properties, Inc.

**Section 4:** If within **seven days** the Property owner fails to abate, control, or remove the overgrown vegetation and mow and maintain the grass on the Property, the Board shall provide for the removal of the vegetation, and mowing of the grass, and may employ a contractor to perform such work.

**Section 5.** The total costs incurred by the Township for the abatement, control, or removal of the vegetation, and mowing, including the costs incurred in providing notice, the cost of a lien search and the amount paid for labor, materials and equipment shall be paid out of the Township general fund. The Township Fiscal Officer shall certify the total costs incurred to the county Auditor who shall place the costs upon the tax duplicate to be a lien upon such lands from and after the date of entry. The costs shall be collected as other taxes and returned to the Township general fund.

**Section 6.** All formal actions relative to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including §121.22 of the O.R.C.

Motion by: Rich Harkins  
Steven Gerberry - Yes  
Motion Carried

Seconded by: Edward Whittaker  
Vote: Richard Harkins - Yes Edward Whittaker - Yes

22-108 Motion to ***adopt a resolution authoring Weathersfield Township police officers to enforce traffic laws on Interstate 80 within the Township;***

WHEREAS, the Ohio Supreme Court, in *State v. Brown*, 143 Ohio St.3d 444 (2015) reversed the conviction of Defendant Brown, who was driving with a suspended license, for possession of 120 Oxycodone tablets and a baggie of marijuana, because the township police officer who pulled the vehicle over after observing Brown crossing the centerline did not have statutory authority to make traffic stops on an interstate highway; and

WHEREAS to address this issue, the Ohio Legislature recently passed, and the Governor signed House Bill 206 which amended Ohio Revised Code §4513.39 to permit township police officers in townships meeting certain requirements to enforce and make arrests for violations of specified traffic offenses on the interstate highways within the jurisdiction of the township, upon adoption of an authorizing resolution by the Township Board of Trustees; and

WHEREAS, Weathersfield Township has a Police Department responsible for enforcing the law within the Township for the safety of the residents of Weathersfield Township; and

WHEREAS, Weathersfield Township meets the requirements under Ohio Revised Code §4513.39 to enforce traffic laws on the interstate, as (1) the population of Weathersfield Township, according to the most recent federal decennial census is between five thousand and fifty thousand people; (2) a portion of Interstate 80, a part of the interstate highway system, is located within Weathersfield Township; and (3) there is a permanent access point on and off Interstate 80 open to the general public within Weathersfield Township at Salt Springs Road.

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

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The Board of Trustees of Weathersfield Township, Ohio, hereby authorizes all police officers on the Weathersfield Township Police Department to enforce the traffic offenses specified in Ohio Revised Code §4513.39 on Interstate 80 within Weathersfield Township.

This Resolution shall be effective immediately upon its adoption, or the earliest date permitted by law.

Motion by: Rich Harkins                      Seconded by: Edward Whittaker  
 Steven Gerberry - Yes                      Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
 Motion Carried

- 22-109 Motion to ***accept the resignation of Police Officer Allan Fields*** effective July 24, 2022. The board Trustees would like to thank Allan for his many years of service with our Police Department and to the residents of our community. Allan has taken a new position with the city of Niles Police Department.

Motion by: Edward Whittaker    Seconded by: Rich Harkins  
 Steven Gerberry - Yes                      Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
 Motion Carried

- 22-110 Motion to ***accept a \$25 donation from Todd Murdock of Mineral Ridge to the Police Department.***

Motion by: Rich Harkins                      Seconded by: Edward Whittaker  
 Steven Gerberry - Yes                      Vote: Richard Harkins - Yes    Edward Whittaker - Yes  
 Motion Carried

### Public Comments:

Open Comments

### Next Meetings:

Next Meetings: Thursday, July 21, 2022, at 3:30 PM; Thursday, August 4, 2022 at 3:30 PM; and Tuesday, August 9, 2022 at 7:00 PM.

### Adjournment:

- 22-111 Motion to ***adjourn the meeting.***

Motion by: Rich Harkins                      Seconded by: Edward Whittaker  
 Steven Gerberry - Yes                      Vote: Richard Harkins - Yes    Edward Whittaker - 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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Edward K. Whittaker, Trustee