

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, June 11, 2019 at 7:00 PM

Call to order: Steve Gerberry

Pledge: Completed

Prayer: Steve Gerberry

Roll Call: Marvin J. McBride - Present Steven J. Gerberry - Present
 Vacant Seat - Attendance Fred R. Bobovnyk - Present

Correspondence/Announcements:

- The ***Weathersfield Township Trustees, Fiscal Officer, and employees would like to congratulate Gil Blair on his appointment to the Ohio State House.*** Gil worked tirelessly for the residents of our community and he will be greatly missed. We know he will continue to be an advocate for our community in Columbus and we wish him the best in his new role as a state representative.
- The ***Trustees would like to remind everyone of the dates for the 2019 Flag Day Festival.*** The 2019 Flag Day Festival dates will be June 13th, 14th, and 15th 2019. The 2019 Flag Day Parade will be on Friday, June 14th at 6:00 PM.
- The ***Trustees would like to remind everyone that their 2019 Residential Tree Limb Chipping Program has begun.*** The 2019 Residential Tree Limb Chipping Program begins on Friday May 3rd, 2019 and will continue each Friday through Friday October 25th, 2019. 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 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 would like to remind our residents to be sure to have their house numbers clearly displayed on both sides of their mailbox and to have the house numbers clearly displayed on the front of their home.*** This helps our safety forces easily identify their location when responding to an emergency at their home.
- The ***Trustees would like to remind our residents that their garbage cans must be moved back to the house immediately after the pick-up date.***
- The ***Trustees would like to remind our residents about the grant program that is available through the Trumbull Neighborhood Partnership (TNP) for emergency home repairs for low-income homeowners.*** TNP will begin accepting applications at their offices located at 736 Mahoning Avenue in Warren. For more information, residents may call 330-647-6301.
- The ***Trustees mentioned their support of the upcoming Warren-Trumbull Library levy.***

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 Chief Ken Boring
- Lane LifeTrans Report – Presented by 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.

RECORD OF PROCEEDINGS

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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:

19-060 Motion to **approve the consent agenda**, which includes the following:

- **Minutes from the Regular Meeting** Tuesday, May 14, 2019 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: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

19-061 Motion to **transfer \$1,524.64 from the General Fund to the Capital Projects Fund** effective May 22, 2019; to **transfer \$5,000.00 from the General Fund to the Road and Bridge Fund** effective May 22, 2019; to **transfer \$10,480.00 from the General Fund to the Capital Projects Fund** effective May 29, 2019; and to **transfer \$10,000.00 from the General Fund to the Cemetery Fund** effective June 4, 2019.

Motion by: Marvin McBride Seconded by: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

19-062 Motion to **authorize Township Administrator David Rouan to enter into an agreement, on behalf of the board of Trustees, for management services with Matrix Claims Management, Inc.** of Cincinnati, Ohio for the purpose of Employer Risk/Claim Representative (ERC) with the Ohio Bureau of Workers' Compensation and the Industrial Commission of Ohio for a term of one year commencing July 12th, 2019 and ending July 11th, 2020 and the fee for the service is \$1,276.00.

Motion by: Marvin McBride Seconded by: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

19-063 Motion to **authorize Township Administrator David Rouan to enter into an agreement, on behalf of the board of Trustees, for continued coverage with CareWorksComp** of Dublin, Ohio for our Ohio Bureau of Workers' Compensation Managed Care Organization (MCO).

Motion by: Marvin McBride Seconded by: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

19-064 Motion to **renew our liability and property insurance coverage and policies through the Ohio Township Risk Management Authority (OTARMA)** effective July 15th, 2019 for the ensuing policy year and to authorize Township Administrator David Rouan to execute, on behalf of the board of Trustees, all documents necessary to continue coverage.

Motion by: Marvin McBride Seconded by: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

19-065 Motion to enter into the **Supplemental Police Services Agreement with the Trumbull Metropolitan Housing Authority (TMHA)**. This agreement shall be in effect from July

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, June 11, 2019 at 7:00 PM

1st, 2019 through June 30th, 2020 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.

Motion by: Marvin McBride Seconded by: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

19-066 Motion to ***amend the traffic law photo-monitoring program.***

WHEREAS, the ongoing problem of motorists disobeying speed limits and traffic signals threatens the safety of the residents of Weathersfield Township;

WHEREAS, Weathersfield Township seeks to increase compliance with speed limits and traffic signals, thereby decreasing the potential for motor vehicle crashes and pedestrian injuries that are caused by such failures to comply;

WHEREAS, an automated speed enforcement program assists in increasing compliance with speed limits and traffic signals without the disadvantages of conventional traffic law enforcement, such as disruptions in the flow of traffic at heavily traveled locations and intersections and danger to police officers;

WHEREAS, by Resolution Number 15-145, Weathersfield Township adopted an automated speed enforcement program; and

WHEREAS, the Ohio Legislature recently passed Amended Sub. H.B. No.62 amending Ohio Revised Code §4511.092 et seq., regarding the use of traffic law photo-monitoring devices;

NOW, THEREFORE, the Board of Trustees of Weathersfield Township, Ohio, hereby adopts the following Resolution revising the Weathersfield Township Traffic Law Photo-Monitoring Program within Weathersfield Township.

Section 1. DEFINED TERMS

Weathersfield Township adopts the definitions set forth in Ohio Revised Code §4511.092.

Section 2. GENERAL

Weathersfield Township hereby determines that it is in the best interest of the Township to utilize traffic law photo-monitoring devices for the purpose of detecting traffic law violations within the Township. The Chief of Police shall be responsible for administering the traffic law photo-monitoring program. The Chief of Police shall be empowered to take all actions necessary or advisable to operate the program in accordance with law. Weathersfield Township Police Officers may utilize traffic law photo-monitoring devices for the purpose of detecting traffic law violations. A permanent full-time Weathersfield Township Police Officer shall be present at the location of any traffic law photo-monitoring device at all times during the operation of the device.

Weathersfield Township may contract for ticket processing and other services related to the traffic law photo-monitoring program on such terms as agreed by the parties.

Section 3. OFFENSES

1. The Weathersfield Township Police Department may issue tickets for a civil violation recorded by a traffic law photo-monitoring device in accordance with section 4511.092 et seq. of the Ohio Revised Code.

2. The vehicle owner may be issued a ticket if a traffic law photo-monitoring device records a traffic law violation showing that a vehicle is operated at a speed in excess of those set forth in section 4511.21 or 4511.211 of the Revised Code, provided that:
 (a) Within a school zone or the boundaries of a state or local park or recreation area, the Township shall not issue a ticket for a civil violation unless the vehicle involved in the violation is traveling at least six miles per hour over the posted speed limit.

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, June 11, 2019 at 7:00 PM

- (b) At any other location, the Township shall not issue a ticket for a civil violation unless the vehicle involved in the violation is traveling at least ten miles per hour over the posted speed limit.
3. The vehicle owner may be issued a ticket for a civil penalty if a traffic law photo-monitoring device that is used at an intersection detects a violation of section 4511.12 of the Revised Code based on the failure to comply with section 4511.13 of the Revised Code. However, a ticket for a violation based upon evidence recorded by a traffic law photo-monitoring device shall not be issued when a vehicle makes a legal right or left turn-on-red-signal if all of the following apply:
- (a) The vehicle can make the turn safely.
 - (b) The vehicle comes to a complete stop at any point prior to completing the turn.
 - (c) No pedestrians are in the crosswalk, or are about to enter the crosswalk, of any approach to the intersection the vehicle occupies while commencing or making the turn.
4. A Weathersfield Township Police Officer shall examine the evidence of alleged traffic law violations recorded by a traffic law photo-monitoring to determine whether such a violation has occurred. If the image recorded by the traffic law photo-monitoring device shows such a violation, contains the date and time of the violation, and shows the letter and numerals on the license plate of the vehicle involved as well as the state that issued the license plate, the officer may use any lawful means to identify the registered owner.
5. The fact that a person or entity is the registered owner of a motor vehicle is prima facie evidence that that person or entity is the person who was operating the vehicle at the time of the traffic law violation.
6. Within thirty days of the traffic law violation the Weathersfield Township Police Department or its designee may issue and send by regular mail a ticket charging the registered owner with the violation. The ticket shall comply with section 4511.097 of the Revised Code.
7. A certified copy of the ticket alleging a traffic law violation, sworn to or affirmed by a Weathersfield Township Police Officer, including by electronic means, and the recorded images produced by the traffic law photo-monitoring device, is prima facie evidence of the facts contained therein and is admissible in a civil action or proceeding for review of the ticket issued.
8. At the time the ticket is mailed to the registered owner, the Weathersfield Township Police Department shall file a certified copy of the ticket with the Niles Municipal Court.

Section 4. TICKETS

1. The ticket shall be processed by Weathersfield Township or its designee and shall be served by ordinary mail to the vehicle owner's address as given on the motor vehicle registration from the Bureau of Motor Vehicles, or its equivalent of the state in which it is registered. The ticket shall include:
- (a) The name and address of the registered owner;
 - (b) The letters and numerals appearing on the license plate issued to the motor vehicle;
 - (c) The traffic law violation charged;
 - (d) The system location;
 - (e) The date and time of the violation;
 - (f) A copy of the recorded image(s);
 - (g) The name and badge number of the law enforcement officer who was present at the system location at the time of the traffic law violation;
 - (h) The amount of the civil penalty imposed, the date by which the civil penalty should be paid and the address of the Niles Municipal Court where payment is to be sent;
 - (i) A statement signed by a law enforcement officer employed by Weathersfield Township indicating that, based on an inspection of recorded images, the motor vehicle was involved in a traffic law violation, and a statement indicating that the recorded images are prima facie evidence of that traffic law violation, both of which may be signed electronically;
 - (j) Information advising the person or entity alleged to be liable of the time, place and manner in which the person or entity may appear in court to contest the violation and ticket and the procedure for disclaiming liability by submitting an affidavit;
 - (k) A warning that failure to exercise one of the options prescribed in Ohio Revised Code Section 4511.098 is deemed to be an admission of liability and waiver of the opportunity to contest the violation.
 - (l) The date of issuance of the ticket.
2. A ticket issued under this Resolution shall be mailed no later than thirty (30) calendar days after the alleged traffic law violation.

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, June 11, 2019 at 7:00 PM

3. A person or entity who receives a ticket shall do one of the following within thirty (30) days after receipt of the ticket:
- (a) In accordance with the instructions on the ticket, pay the civil penalty, thereby failing to contest liability and waiving the opportunity to contest the traffic law violation;
 - (b) Complete and file with the Niles Municipal Court an affidavit as provided by law designating another party as responsible for the ticket;
 - (c) Contest the ticket by filing a written request for a hearing with the Niles Municipal Court.
 - (d) The failure to respond to a ticket in a timely fashion shall constitute a waiver of the right to contest liability for the violation and may result in a default judgment in the civil action.

Section 5. CIVIL PENALTIES

1. The civil penalty imposed shall be as follows, or in such amount as established by Resolution by the Board of Trustees:
 - (a) If the civil penalty is paid within thirty (30) calendar days of the date of issuance of the ticket - one hundred thirty two (\$132.00). If the offense occurs in a marked construction zone, the civil penalty shall be one hundred fifty dollars (\$150.00);
 - (b) If the civil penalty is paid more than thirty (30) calendar days, but within forty five (45) calendar days after date of issuance of the ticket, a late fee of twenty-five dollars (\$25.00) shall be added to the amount of the civil penalty;
 - (c) If the civil penalty is paid more than forty five (45) calendar days of the date of issuance of the ticket, an additional late fee of twenty-five dollars (\$25.00) shall be added for a total late fee of fifty dollars (\$50.00).
2. In addition to any civil penalty and any additional late fee, any and all costs or expenses incurred by the Township in connection with the placement of a ticket issued hereunder with outside counsel for litigation or collection thereof shall be assessed against the person or entity found to be liable hereunder.
3. A traffic law violation for which a civil penalty is imposed under this Resolution is not a moving violation for the purpose of assessing points under Ohio Revised Code Section 4510.036 and may not be recorded on the driving record of the owner or operator of the motor vehicle and shall not be reported to the Bureau of Motor Vehicles, nor shall such a violation be recorded on the driving record of the owner or operator of the vehicle involved in the violation.

Section 6: COURT HEARING

If the person who was issued a ticket contests the ticket by filing a written request for a hearing with the Niles Municipal Court, the court shall hold a hearing as a civil action. If the person does not appear for the scheduled hearing, or if the person does not request a hearing and does not pay the ticket, the Township may request the Niles Municipal Court issue a default judgment on the civil action for the amount of the civil penalty imposed under the provisions of this Resolution, together with any applicable late fees. Regardless of which party prevails in the civil action, the Niles Municipal Court shall retain the deposit for court costs and fees paid by the Township for the hearing.

Section 7: COLLECTION OF CIVIL PENALTY

Any judgment issued by the Niles Municipal Court, along with interest as provided by law, may be collected in any manner authorized by law. If collection action is necessary, costs of collection of the debt shall be collected in addition to the amount of the judgment.

Section 8. SIGNS

The Township shall erect and maintain signs on every highway which is not a freeway that is part of the state highway system and that enters into the Township and at each fixed system location or, if the signs cannot be located within the first three hundred feet of the boundary of the Township or a fixed system location, as close to that distance as possible, in accordance with Ohio Revised Code Section 4511.094.

Section 9. FULL FORCE AND EFFECT

If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, June 11, 2019 at 7:00 PM

section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 10. COMPLIANCE WITH LAW

It is found and determined that all formal actions of this board of trustees concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this board of trustees and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meeting requirements.

Section 11. EFFECTIVE DATE

This Resolution shall be effective July 3, 2019. Resolution 15-145 as previously amended shall remain in full force and effect until midnight, July 2, 2019.

Motion by: Steve Gerberry Seconded by: Marvin McBride
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

- 19-067 Motion to ***acknowledge and recognize Tom Lambert for receiving the EMS Professional of the Year from Steward Family Hospitals, the owners of the Trumbull Regional Medical Center.*** Tom has served our community and many other communities for decades and has touch the lives of thousands of families along the way. We are truly blessed to have him serving the residents of our Township.

Motion by: Marvin McBride Seconded by: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

Public Comments:

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

Next Meetings:

Next Work Sessions: Every Thursday at 7:00 AM. (Except for Caucus Thursday)

Next Caucus: Thursday, June 27, 2019 at 8:00 AM.

Next Meeting: Regular Meeting: Tuesday, July 9, 2019 at 7:00 PM
 The Trustees open forum begins at 6:15 PM.

Adjournment:

- 19-068 Motion to ***adjourn the meeting.***

Motion by: Marvin McBride Seconded by: Steve Gerberry
 Vote: Vacant Seat - Vote Steve Gerberry - Yes Marvin McBride - Yes
 Motion Carried

Fred Bobovnyk, Fiscal Officer

Vacant Seat, Trustee

Steven J. Gerberry, Trustee

Marvin J. McBride, Trustee