

## RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, May 14, 2024 at 7:00 PM

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**Call to order:** Steve Gerberry

**Pledge:** Completed

**Roll Call:** Steven Gerberry - Present  
Edward Whittaker - Present

Richard Harkins - Present  
Patrick Glunt - Present

**Correspondence/Announcements:**

- The **Trustees are excited to announce that ODOT will be completing a project that will update and improve the sidewalks along Main Street (SR46) between Stewart Street and Seaborn Street.** The project is estimated to be \$460,000.00 and should be completed by 2027. The Board of Trustees have been advocating for this project with ODOT since 2022.
- The **Trustees would like to thank Trumbull County Engineer Randy Smith for completing the paving projects on Austintown-Warren Road from the Township limits north to Carson Salt Springs Road and on West Park Avenue from the Township limits west to Austintown-Warren Road.** In addition, West Liberty Street From Salt Springs Road east to the Township limits will be paved in June.
- The **Trustees would like to remind our residents that open burning is not permitted within the Township.** We have had several brush fires that placed our firefighters and our resident's property at risk. Please do not open burn and enjoy the remainder of your spring.
- The **Trustees would like to announce that their annual Memorial Day Ceremony has been scheduled for Monday, May 27, 2024 at 9:00 AM at our community park.**
- The **Trustees would like to remind our residents that the Community Document Shredding Event will be held on Saturday, May 18, 2024 from 8:00 AM until 10:00 AM at the community park.**
- The **Trustees would like to remind our residents that the 2024 Flag Day Festival** dates will be June 6, 7, and 8. The 2024 Flag Day Parade will be on Friday, June 7 at 6:00 PM.
- The **Trustees would like to mention that the annual Spring Clean-Up Program was completed and that many residents took advantage of the program with Republic Services.**
- The **Trustees would like to mention the Scrap Tire Pickup Program was a big success.**
- The **Trustees would like to remind our residents that the 2024 Residential Tree Limb Chipping Program has begun.** The 2024 Residential Tree Limb Chipping Program will continue each Friday through Friday, October 25, 2024. 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 **annual Community Garage Sale will take place this year on June 13, 14, and 15 from 9:00 AM until 5:00 PM on each of those days.** The organizers are going to have a list of addresses and a map this year, so please text Cheryl your information at 330-565-2449 if you plan to participate.
- The **Trustees would like to mention that the annual street sweeping has been completed.**

**Reports:**

- Financial Report – Presented by Patrick Glunt

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- Administrator's Report – Presented by David Rouan
- Zoning Report – Presented by Kelly Clarke
- Police Report – Presented by Police Chief Michael Naples
- Fire Report – Presented by Steven Gerberry
- Lane LifeTrans Report – Presented by Steven Gerberry
- 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:

- 24-080 Motion to ***approve the minutes from the Special Meeting that was held on Tuesday, April 9, 2024 at 6:00 PM, the minutes from the Regular Meeting that was held on Tuesday, Tuesday, April 9, 2024 at 7:00 PM, and the minutes from the Regular Meeting that was held on Thursday, May 9, 2024 at 3:30 PM.***

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

- 24-081 Motion to ***adopt a resolution to approve the drawing warrants upon our treasury and paying township bills.***

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

- 24-082 Motion to ***adopt a resolution to approve the Then and Now's pursuant to the list provided by the Fiscal Officer.***

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

- 24-083 Motion to ***adopt a resolution to transfer \$25,000.00 from the General Fund to the Road and Bridge Fund*** effective May 2, 2024.

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

- 24-084 Motion to ***adopt a resolution opposing the proposed rate hike by Enbridge Gas Ohio.***

WHEREAS, Enbridge Gas Ohio, previously known as Dominion Energy, has proposed to the Public Utilities Commission of Ohio (PUCO) a significant rate hike amounting to a 30% increase in charges for natural gas distribution service; and

WHEREAS, this proposed rate hike will lead to an increase in costs for typical residential consumers exceeding \$100 annually starting this year; and

WHEREAS, Enbridge Gas Ohio has additionally proposed an implementation of escalating fixed monthly charges starting at \$8.78 this year and projected to rise to \$29.69 per month by the year 2032, which are unavoidable charges incurred by consumers prior to any actual gas usage; and

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WHEREAS, these proposed fixed charges and rate increases place an undue burden on consumers, exacerbating financial pressures during a time of widespread inflation and elevated energy prices; and

WHEREAS, the Ohio Consumers' Counsel (OCC), the advocate for residential customers, has expressed that the proposed increases are excessive and place an unreasonable burden on nearly 1.2 million residential consumers in Ohio; and

WHEREAS, the OCC continues to advocate for affordable and safe natural gas services as the case progresses, highlighting the significant impact of such rate increases on the consumers;

NOW THEREFORE, BE IT RESOLVED, that the Board of Weathersfield Township Trustees does hereby oppose, in the strongest terms, the proposed rate hikes by Enbridge Gas Ohio, and calls upon the Public Utilities Commission of Ohio to reject these unjust and unreasonable rate increases; and

BE IT FURTHER RESOLVED, that the Fiscal Officer is hereby directed to transmit a certified copy of this resolution to the Public Utilities Commission of Ohio.

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

- 24-085 Motion to ***appoint Township Administrator David Rouan as the certifying officer and responsible entity for the Appalachian Regional Commission POWER Initiative Grant Program through the Ohio Department of Development Office of Community Development.*** This action is necessary to manage and administer the \$300,000.00 grant that was received for the Multi-Jurisdictional Center Project.

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

- 24-086 Motion to adopt a ***RESOLUTION TO REQUIRE OWNER TO DEMOLISH STRUCTURE WHICH IS UNSAFE AND STRUCTURALLY DEFECTIVE PURSUANT TO O.R.C. 505.86.***

WHEREAS, Ohio Revised Code §505.86 authorizes a Board of Trustees to declare structures within the Township to be a nuisance by reason of being insecure, unsafe, structurally defective, or unfit for human habitation, and to provide for the abatement of said nuisance by demolition and removal of said structures after thirty days' notice; and

WHEREAS, the Weathersfield Township Fire Chief has inspected the structure on the property located in Weathersfield Township at **1541 1<sup>st</sup> Street, Warren, Ohio 44481**, (hereinafter "the Property") and has declared the structure on the Property to be insecure, unsafe and structurally defective.

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 structure on the Property is uninhabited, insecure, unsafe, dilapidated, dangerous and structurally deficient and must be demolished and removed for public safety, pursuant to O.R.C. §505.86.

**Section 2:** Notice shall be given to the owner(s) of the Property and any lienholders by certified mail or as otherwise provided in R.C. 505.86, of the Township's declaration of nuisance and demand to abate said nuisance by demolition, and the right to request a hearing in writing within twenty days after the notice is mailed, pursuant to RC 505.86(B) and(C).

**Section 3:** If the Property Owner or lienholders fail to request a hearing before the Board within twenty days or provide for the demolition and removal of said nuisance structures

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within thirty days of giving notice, the Board authorizes the Township Administrator to enter into contracts for the demolition of the structures on the Property.

**Section 4.** The total costs incurred by the Township for the demolition and removal of the structure and abatement of the nuisance, including all associated site restoration work, and the costs incurred in providing notice shall be paid from the Township general fund, and 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.

This Resolution shall take effect immediately upon adoption.

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

24-087 Motion to adopt a Motion to adopt a ***RESOLUTION TO REQUIRE OWNER OF 3084 TRUMBULL AVENUE TO DEMOLISH THE STRUCTURE WHICH IS UNSAFE AND STRUCTURALLY DEFECTIVE PURSUANT TO O.R.C.505.86 AND TO REMOVE JUNK, GARBAGE AND DEBRIS PURSUANT TO O.R.C. 505.87.***

WHEREAS, Ohio Revised Code §505.86 authorizes a Board of Trustees to declare structures within the Township to be a nuisance by reason of being insecure, unsafe, structurally defective, or unfit for human habitation, and to provide for the abatement of said nuisance by demolition and removal of said structures after thirty days' notice; and

WHEREAS, Ohio Revised Code §505.87 authorizes a Township 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 Weathersfield Township Fire Chief has inspected the structure on the property located in Weathersfield Township at **3084 Trumbull Avenue, McDonald, Ohio 44437**, (hereinafter "the Property") and has declared the structure on the Property to be insecure, unsafe and structurally defective; and

WHEREAS, the Weathersfield Township Zoning Inspector has inspected the property and has determined that the property is covered with garbage, debris, and waste; and

WHEREAS, the Niles Municipal Court, in Case No. CRB1900791 brought by the Trumbull County Combined Health District found that the house is vacant and ordered that it remain vacant because it is not connected to the sewer system; and

WHEREAS, on September 5, 2023, the Trumbull County Combined Health District ordered the property owner to cease bringing additional materials onto the property and to remove all solid waste and construction debris from the property, and when he failed to do so, the Niles Municipal Court, in Case No. CRB2400064 ordered the property owner to remove the solid waste from the property and provide disposal receipts, however the debris and waste has not been removed.

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 structure on the Property is uninhabited, insecure, unsafe, dilapidated, dangerous and structurally deficient and must be demolished and removed for public safety, pursuant to O.R.C. §505.86 and that the garbage, refuse, and debris on the property constitutes a nuisance and must be removed pursuant to R.C. 505.87.

**Section 2:** Notice shall be given to the owner(s) of the Property and any lienholders by certified mail or as otherwise provided in R.C. 505.86 and 505.87 of the Township's declaration of nuisance and demand to abate said nuisance by demolition, and the right



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to request a hearing in writing within twenty days after the notice is mailed, pursuant to RC 505.86(B) and(C) and 505.87.

**Section 3:** If the Property Owner or lienholders fail to request a hearing before the Board within twenty days or fail to provide for the demolition and removal of said nuisance structures and garbage, refuse and debris within thirty days of giving notice, the Board authorizes the Township Administrator to enter into contracts for the demolition of the structures on the Property and removal of the garbage, refuse and debris.

**Section 4.** The total costs incurred by the Township for the demolition and removal of the structure and removal of the garbage, refuse and debris and abatement of the nuisances, including all associated site restoration work, and the costs incurred in providing notice shall be paid from the Township general fund, and 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.

This Resolution shall take effect immediately upon adoption.

Motion by: Edward Whittaker    Seconded by: Rich Harkins

Vote: Steven Gerberry - Yes    Richard Harkins - Yes                      Edward Whittaker - Yes

Motion Carried

- 24-088 Motion to ***approve settlement of the lawsuit Tom Sudik et al. v. Weathersfield Township et al. Case No. 2024 CV 00595, Trumbull County Court of Common Pleas, by agreement to hold an additional hearing before the Board of Zoning Appeals on June 13, 2024 at 5:00 pm when all interested parties may appear and present their arguments regarding the application for variance of Grandview Development LLC.***

Motion by: Rich Harkins                      Seconded by: Edward Whittaker

Vote: Steven Gerberry - Yes    Richard Harkins - Yes                      Edward Whittaker - Yes

Motion Carried

- 24-089 Motion to ***accept the resignation of Police Officer Simon Irwin*** effective May 12, 2024. The Board Trustees would like to thank Simon for his service with our Police Department and to the residents of our community. Simon is moving to South Carolina to continue his career in law enforcement.

Motion by: Edward Whittaker    Seconded by: Rich Harkins

Vote: Steven Gerberry - Yes    Richard Harkins - Yes                      Edward Whittaker - Yes

Motion Carried

### Public Comments:

Open Comments

### Next Meetings:

Next Meetings: Thursday, May 23, 2024, at 3:30 PM, Thursday, June 6, 2024, at 3:30 PM; and Tuesday, June 11, 2024 at 7:00 PM.

### Adjournment:

- 24-090 Motion to ***adjourn the meeting.***

Motion by: Rich Harkins                      Seconded by: Edward Whittaker

Vote: Steven Gerberry - Yes    Richard Harkins - Yes                      Edward Whittaker - Yes

Motion Carried

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Richard T. Harkins, Trustee

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Edward K. Whittaker, Trustee