

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Regular Meeting

Held on Tuesday, May 11, 2021 at 7:00PM

Call to order: Steve Gerberry

Pledge: Completed

Prayer: Steve Gerberry

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

Correspondence/Announcements:

- The **Trustees would like to announce the dates for the 2021 Flag Day Festival.** The 2021 Flag Day Festival dates will be June 10th, 11th, and 12th 2020. The 2021 Flag Day Parade will be on Friday, June 11th at 6:00 PM.
- The **Trustees would like to remind our residents of the dates for this year's Spring Clean-Up Program which will be held the week of May 17, 2021.** Residents should put their material out on the same night as their regular pickup.
- The **Trustees would like to remind our residents of the dates for this year's Scrap Tire Pickup Program.** Curbside collection will begin on Monday, May 17, 2021 and continue through Friday, May 21, 2021. 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 3:00 PM during the collection week at the Township Administration Building at 1451 Prospect Street, Mineral Ridge, Ohio 44440.
- The **Trustees would like to remind our residents that open burning is not permitted within the Township.** We have had several serious 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 our annual street sweeping has begun and should be completed over the next week or so.**
- 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 David Rouan
- 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

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:

21-048 Motion to **approve the consent agenda**, which includes the following:

- **Minutes from the Regular Meeting** Tuesday, April 13, 2021 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

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

- 21-049 Motion to **donate \$100.00 to the Girard American Legion in support of the Memorial Day Ceremony** preparations for the decorating the of Veteran's graves in Township cemeteries.

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

- 21-050 Motion to **donate \$300.00 to the Mineral Ridge VFW Post 4192 in support of the Memorial Day Ceremony** preparations for the decorating of the Veteran's graves in Township cemeteries.

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

- 21-051 Motion to **donate \$100.00 to the Mineral Ridge Volunteer Fire Department Association in support of the Memorial Day decoration of the graves of former firefighters that have passed.**

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

- 21-052 Motion to **authorize the use of the community park property for the 2021 Weathersfield Township Flag Day Festival** beginning on the morning of Monday, June 7th, 2020 and ending Monday, June 14th, 2021. The property can be used for any purpose associated with the festival.

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

- 21-053 Motion to **authorize Township Administrator David Rouan and Township employees to assist with the planning, preparation, set-up, operation, take-down, and other matters regarding the 2021 Weathersfield Township Flag Day Festival and the Flag Day Festival Parade** during regular Township work hours and to schedule additional hours during the evening or over the weekend on an as-needed basis at the direction and discretion of the Township Administrator.

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

- 21-054 Motion to **authorize Township Administrator David Rouan to take the necessary steps pursuant to law to dispose of a 1992 E-One fire rescue/pumper truck** which is not needed for public use, is obsolete, or is unfit for the use acquired; and in the opinion of the Board, the rescue truck has fair market value of less than two thousand five hundred dollars.

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

- 21-055 Motion to **award the Weathersfield Township Wide Road Improvement Resurfacing Project to Shelly & Sands Inc., 1450 North Bailey Road, North Jackson, Ohio 44451** in the amount of \$256,058.00 and to **enter into an agreement with Shelly & Sands Inc., for said project.** This project was bid as Part 12 of the Trumbull County Engineers 1st 2021 Countywide Road Improvements, State Capital Improvement Program (SCIP) and

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Local Transportation Improvement Program (LTIP) Local Government Entities Bidding Program. The streets included in this project are: TH 1049 – Spruce Street, TH1055 – Poplar Street, TH1054 – Chestnut Drive, and TH 1314 – Walnut Drive.

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

- 21-056 Motion to **award the Weathersfield Township Wide Road Improvement Resurfacing Project to Chagrin Valley Paving Inc., 17290 Munn Road, Chagrin Falls, Ohio 44023** in the amount of \$149,909.80 and to **enter into an agreement with Chagrin Valley Paving, Inc. for said project.** This project was bid as Part 13 of the Trumbull County Engineers 1st 2021 Countywide Road Improvements, State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Local Government Entities Bidding Program. The streets included in this project are: TH 1241 – Beaver Trail, TH1444 – Isabelle Drive, TH 1405 – Crestmont Drive, and TH 1440 – Ohio Machinery Blvd./TH1480 Manning Drive.

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

- 21-057 **MOTION TO ADOPT A RESOLUTION TO DEMOLISH STRUCTURES WHICH ARE UNSAFE, STRUCTURALLY DEFECTIVE AND UNFIT FOR HUMAN HABITATION AND TO ABATE NUISANCE AND REMOVE JUNK VEHICLES AND DEBRIS PURSUANT TO R.C. 3929.86, R.C. 505.86, R.C. 505.87 AND R.C. 505.871**

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 securing or demolition and removal of said structures after thirty days' notice ; and;

WHEREAS, Ohio Revised Code §505.87 authorizes a Board of Trustees to declare real Property in the Township which is not maintained and contains accumulations of vegetation, garbage, refuse or other debris a nuisance and provide for the abatement of such nuisance after seven days' notice; and

WHEREAS, Ohio Revised Code §505.871 authorizes a Board of Trustees to provide for the removal of any vehicle in the Township determined to be a junk motor vehicle after fourteen days' notice; and

WHEREAS, Ohio Revised Code §3929.86 authorizes a Board of Trustees to use funds deposited by an insurance company to repair, remove or secure structures within the Township damaged by fire if the property owner fails to do so; and

WHEREAS, the following property located in Weathersfield Township (hereinafter "the Property") was severely damaged by fire in August 2020:

1465 Lincoln Avenue, Mineral Ridge OH 44440, Weathersfield Township

WHEREAS, the Weathersfield Township Fire Chief has inspected the Property and has declared the structures on the Property to be insecure, unsafe and unfit for human habitation due to structural damage caused by fire, and the Property to have accumulations of debris and vehicles that are abandoned, apparently inoperable and extensively damaged and;

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 structures on the Property are abandoned, insecure, unsafe, dilapidated, dangerous and/or structurally deficient and must be demolished and removed pursuant to O.R.C. §505.86.

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Section 2: The Board of Trustees determines that the accumulation of vegetation, garbage, refuse and other debris upon the Property constitutes a nuisance which must be abated pursuant to O.R.C. §505.87.

Section 3: The Board of Trustees determines that the motor vehicles on the Property are "junk motor vehicles" as defined in O.R.C. §505.173 as they are (1) three model years old or older, (2) apparently inoperable, and (3) extensively damaged, and the vehicles constitute a nuisance which must be removed pursuant to O.R.C. §505.871.

Section 4: The Board of Trustees has received a deposit pursuant to R.C. 3929.86 as security for against the total cost of removing, repairing, or securing the fire damaged structures incurred by the township pursuant to R.C. 505.86.

Section 5: Notice has or shall be given to the owners of the Property and any lienholders by certified mail or publication in a newspaper of general circulation in the township and by posting a notice on the principal structure on the land, 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 6: 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 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 the removal of the vegetation, garbage, refuse, debris, and junk vehicles from the Property.

Section 7. The total costs incurred by the Township for the abatement, control, or removal of the structures damaged by fire, and abatement of the nuisance, including all associated site restoration work, and the costs incurred in providing notice shall be paid out of the funds on deposit with the township pursuant to R.C. 3929.86. If there are any funds remaining, they will be returned to the property owner.

Section 8: If the funds on deposit are insufficient to pay the costs of demolition and abatement of the nuisance, such costs will be paid from the Township general fund, and the Township Fiscal Officer shall certify the total unrecovered 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: Marvin McBride

Vote: Steve Gerberry - Yes Rich Harkins - Yes Marvin McBride - Yes

Motion Carried

21-058 **MOTION TO ADOPT A RESOLUTION TO DEMOLISH STRUCTURES WHICH ARE UNSAFE, STRUCTURALLY DEFECTIVE AND UNFIT FOR HUMAN HABITATION AND TO ABATE NUISANCE AND REMOVE JUNK VEHICLES AND DEBRIS PURSUANT TO R.C. 3929.86, R.C. 505.86, R.C. 505.87 AND R.C. 505.871**

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 securing or demolition and removal of said structures after thirty days' notice ; and;

WHEREAS, Ohio Revised Code §505.87 authorizes a Board of Trustees to declare real Property in the Township which is not maintained and contains accumulations of vegetation, garbage, refuse or other debris a nuisance and provide for the abatement of such nuisance after seven days' notice; and

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WHEREAS, Ohio Revised Code §505.871 authorizes a Board of Trustees to provide for the removal of any vehicle in the Township determined to be a junk motor vehicle after fourteen days' notice; and

WHEREAS, Ohio Revised Code §3929.86 authorizes a Board of Trustees to use funds deposited by an insurance company to repair, remove or secure structures within the Township damaged by fire if the property owner fails to do so; and

WHEREAS, the following property located in Weathersfield Township (hereinafter "the Property") was severely damaged by fire in December 2020:

2308 S. Bellwood Avenue, Niles OH 44446, Weathersfield Township

WHEREAS, the Weathersfield Township Fire Chief has inspected the Property and has declared the structures on the Property to be insecure, unsafe and unfit for human habitation due to structural damage caused by fire, and the Property to have accumulations of debris and vehicles that are abandoned, apparently inoperable and extensively damaged and;

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 structures on the Property are abandoned, insecure, unsafe, dilapidated, dangerous and/or structurally deficient and must be demolished and removed pursuant to O.R.C. §505.86.

Section 2: The Board of Trustees determines that the accumulation of vegetation, garbage, refuse and other debris upon the Property constitutes a nuisance which must be abated pursuant to O.R.C. §505.87.

Section 3: The Board of Trustees determines that the motor vehicles on the Property are "junk motor vehicles" as defined in O.R.C. §505.173 as they are (1) three model years old or older, (2) apparently inoperable, and (3) extensively damaged, and the vehicles constitute a nuisance which must be removed pursuant to O.R.C. §505.871.

Section 4: The Board of Trustees has received a deposit pursuant to R.C. 3929.86 as security for against the total cost of removing, repairing, or securing the fire damaged structures incurred by the township pursuant to R.C. 505.86.

Section 5: Notice has or shall be given to the owners of the Property and any lienholders by certified mail or publication in a newspaper of general circulation in the township and by posting a notice on the principal structure on the land, 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 6: 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 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 the removal of the vegetation, garbage, refuse, debris, and junk vehicles from the Property.

Section 7. The total costs incurred by the Township for the abatement, control, or removal of the structures damaged by fire, and abatement of the nuisance, including all associated site restoration work, and the costs incurred in providing notice shall be paid out of the funds on deposit with the township pursuant to R.C. 3929.86. If there are any funds remaining, they will be returned to the property owner.

Section 8: If the funds on deposit are insufficient to pay the costs of demolition and abatement of the nuisance, such costs will be paid from the Township general fund, and the Township Fiscal Officer shall certify the total unrecovered costs incurred to the county Auditor who shall place the costs upon the tax duplicate to be a lien upon such lands from

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

Public Comments:

Open Comments

Next Meetings:

Regular Meetings Every Thursday at 12:00 PM; and Tuesday, June 8, 2021 at 7:00 PM.

Adjournment:

21-059 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

Fred Bobovnyk, Fiscal Officer

Steven J. Gerberry, Trustee

Richard T. Harkins, Trustee

Marvin J. McBride, Trustee