

October 13, 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

Correspondence/Announcements:

- The Trustees 2015 Residential Tree Limb Chipping Program continues. The 2015 Residential Tree Limb Chipping Program began on Friday April 10th, 2015 and will continue each Friday through October 30th, 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.
- A reminder that the 2015 Trick or Treat event has been set for Saturday, October 31st, 2015 from 5:00 PM to 7:00 PM.
- The Trustees are pleased to announce that they are helping to establish an annual Haunted History Walk. The 2015 Haunted History Walk will be held on Saturday, October 24th, 2015 from 6:00 Pm – 9:00 PM, the walk will begin at the Weathersfield Community Park on Stewart Street. The High School History Club and the Mineral Ridge Historical Society will be co-hosting this event.
- The Trustees have secured a rate of \$3.09 per Mcf from Constellation Energy for an opt-in gas aggregation beginning November 1st, 2015 and continuing for a one year term.
- The Trustees have placed an opt-out question on the ballot this November for an electric and gas aggregation plan for the residents of the Township.
- The Trumbull County Sanitary Engineer's Office entered into an agreement with CT Consultants of Youngstown, Ohio to perform a hydraulic analysis of the Mineral Ridge Water District and to offer recommendations as to how to resolve the ongoing water volume and pressure problem.
- Home Depot donated the material and labor necessary to put a handicap accessible ramp and porch on the home of a veteran that lives on Depot Street in our Township
- There will be a Meet the Candidates Night that will be held at the Presbyterian Church in Mineral Ridge next Wednesday, October 14th, 2015 beginning at 6:00 PM.
- The Township Road/Maintenance Department recently constructed 13 white vinyl garbage cans to be used in Kerr Cemetery. The vinyl garbage cans were constructed from repurposed material and about \$250 in lumber and fasteners.
- The Township received their Rock Salt Antitrust Litigation Settlement Fund Distribution in the amount of \$869.85.

October 13, 2015

Financial Report – Fiscal Officer Fred R. Bobovnyk:

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

Administrator’s Report – Dave Rouan**Administrator’s Monthly Report – September 2015****Administrative Announcements**

1. **The Trustees 2015 Residential Tree Limb Chipping Program continues.** The 2015 Residential Tree Limb Chipping Program began on Friday April 10th, 2015 and will continue each Friday through October 30th, 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:
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6. A reminder that **the 2015 Trick or Treat event has been set for Saturday, October 31st, 2015 from 5:00 PM to 7:00 PM.**
7. The Trustees are pleased to announce that they are helping to establish an annual **Haunted History Walk. The 2015 Haunted History Walk will be held on Saturday, October 24th, 2015 from 6:00 Pm – 9:00 PM, the walk will begin at the Weathersfield Community Park on Stewart Street.** The High School History Club and the Mineral Ridge Historical Society will be co-hosting this event.
8. **The Trustees have secured a rate of \$3.09 per Mcf from Constellation Energy for an opt-in gas aggregation beginning November 1st, 2015** and continuing for a term of one year.
9. **The Trustees have placed an opt-out question on the ballot this November for an electric and gas aggregation plan** for the residents of the Township.
10. **The Trumbull County Sanitary Engineer’s Office entered into an agreement with CT Consultants of Youngstown, Ohio to perform a hydraulic analysis** of the Mineral Ridge Water District and to offer recommendations as to how to resolve the ongoing water volume and pressure problem.
11. **Home Depot donated the material and labor necessary to put a handicap accessible ramp and porch on the home of a veteran** that lives on Depot Street in our Township.
12. **There will be a Meet the Candidates Night** that will be held at the Presbyterian Church in Mineral Ridge next Wednesday, October 14th, 2015 beginning at 6:00 PM.
13. **The Township Road/Maintenance Department recently constructed 13 white vinyl garbage cans to be used in Kerr Cemetery.** The vinyl garbage cans were constructed from repurposed material and about \$250 in lumber and fasteners.
14. **The Township received their Rock Salt Antitrust Litigation Settlement Fund Distribution in the amount of \$869.85.**

Highway Department

1. We completed 23 Work Orders during the month of September.
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 and we are preparing for the winter season.

Cemetery

1. See attached Cemetery Report

Respectfully submitted:

Dr. David A. Rouan, AICP
Township Administrator

October 13, 2015

Cemetery Report Dave Rouan

(Prepared by Melissa Ritchie)

September 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-A-122-8 Occupied	\$0.00	\$0.00	\$0.00	\$900.00		
KC-E-416-1 Sold Turner, James & Julie	\$0.00	\$0.00	\$0.00	\$0.00	2015-198 09/09/2015 Melissa Ritchie	This grave was transferred per original owners request, at no charge. MSR
KC-E-416-2 Sold Valerie Fry & Naveah Shaffer	\$0.00	\$0.00	\$0.00	\$0.00	2015-199 09/09/2015	this grave was transferred per original owner at no charge.
KC-E-416-3 Sold Valerie Fry & Naveah Shaffer	\$0.00	\$0.00	\$0.00	\$0.00	2015-200 09/09/2015 Melissa Ritchie	This grave was transferring per original owners request at no charge.
KC-E-416-4 Sold McCarthy, Christina & Patrick	\$0.00	\$0.00	\$0.00	\$0.00	2015-201 09/09/2015 Melissa Ritchie	This grave was transferred per original owners request at no charge.
KC-G-783-1 Occupied	\$0.00	\$0.00	\$0.00	\$600.00		

*grave sales \$0.00
 o/c costs \$1,400.00
 \$1,400.00
 Total for September.
 MSR.*

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Zoning Report – Zoning Inspector Melissa Ritchie

Fee Collection Wide Report

Sorted by Source

Report for 09/01/2015 to 09/30/2015

Report Date 10/07/2015

Date	Received From	Source	Fee Paid For	Permit	Recv By	How Paid	Check #	Fee	Receipt
09/09/2015	Quality A Garage	ZN003099	Garage	5931	MSR	Check	10369	\$50.00	RN-000056
09/14/2015	Marous Brothers	ZN003100	Industrial Building Addition	5932	MSR	Check	215458	****	RN-000057
09/17/2015	BRIAN BIDDLESTONE	ZN003101	Pool-inground	5933	SLC	Check	1055	\$134.98	RN-000058
Fees Collected								23,909.74	

Total Fees Collected \$23,909.74

*Sept 30, 2015
MR*

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Police Report – Chief Michael Naples



WEATHERSFIELD TOWNSHIP POLICE

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

Monthly Report for September 2015

TRUMBULL COUNTY E911

Report Dates from 09/01/2015 to 09/30/2015

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

Department : WEA	Complaint Code	Description	Number
	ABC	ABANDONED 911 CALL	4
	AC	ANIMAL COMPLAINT	10
	AD	ALARM DROP	42
	APD	ASSIST POLICE DEPARTM	4
	AS	ASSAULT	6
	ATL	ATTEMPT TO LOCATE	3
	BE	BREAKING AND ENTERING	2
	BG	BURGLARY	5
	BOLO	BE ON THE LOOKOUT	3
	C10	ASSIST OFFICER	2
	C2	CRASH PROPERTY DAMA	10
	C4P	CRASH WITH REPORTED I	7
	CD	CRIMINAL DAMAGING	3
	CKW	CHECK WELFARE	0
	CM	CRIMINAL MISCHIEF	1
	CUS	CUSTODY PROBLEM	4
	DAV	DISABLED VEHICLE	0
	DIS	DISTURBANCE	0
	DOM	DOMESTIC	0
	EALCP	ALTERED LEVEL OF CONS	1
	EAPP	ABDOMINAL PAIN	2
	EBLEEDP	BLEEDING	1
	EFALLP	FALL	2
	EGIP	GENERAL ILLNESS	1
	EHPP	HEART PROBLEM	2
	EMENTP	MENTAL	1
	EMSP	EMERGENCY MEDICAL AS	3
	ENVP	NAUSEA/VOMITING	1
	EODP	OVERDOSE	2
	ESOBP	SHORTNESS OF BREATH	2
	ESUIP	SUICIDE	1
	EUPP	UNCONSCIOUS/FAINTED	4
	EUPP	EMS UNKNOWN PROBLEM	4
	FFADP	FIRE ALARM DROP	1
	FGASP	GAS LEAK	1
	FGT	FIGHT	1
	FSVCP	SERVICE CALL	2
	FW	FIREWORKS COMPLAINT	1
	FWTDP	WIRES/TREES DOWN	2
	HAR	HARASSMENT	7
	HS	HIT SKIP	2
	INF	INFORMATION	23
	INV	INVESTIGATION	5
	ITX	INTOXICATED PERSON	0
	JD	JUVENILE DELINQUENT OF	1
	JR	JUVENILE RUNAWAY	2
	MEN	MENTALLY IMPAIRED PER	1
	MP	MISSING PERSON	2
	NC	NOISE COMPLAINT	1
	NP	NEIGHBOR PROBLEM	1
	REPO	REPO	1
	ROS	REPORT ON STATION	0
	RP	RECOVERED PROPERTY	4
	RV	RECOVERED VEHICLE	1
	S10	RETURN PHONE CALL	20
	SBH	SHOTS BEING HEARD	2

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WEATHERSFIELD TOWNSHIP POLICE

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

TRUMBULL COUNTY E911

Report Dates from 09/01/2015 to 09/30/2015

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

Department : WEA	Complaint Code	Description	Number
	SC	SPOT CHECK	2
	SHF	SHOTS FIRED	2
	SFA	SUSPICIOUS ACTIVITY	8
	SPP	SUSPICIOUS PERSON	20
	SPV	SUSPICIOUS VEHICLE	14
	STB	STANDBY	4
	STK	STALKING	1
	SX	SEX OFFENSE	1
	TEST	TEST CALL	1
	TFV	THEFT FROM VEHICLE	1
	TH	TELEPHONE HARASSMEN	2
	THE	THEFT	7
	THR	THREATS	6
	TRA	TRANSPORT PERSON OR I	12
	TRC	TRAFFIC REGULATION CO	13
	TS	TRAFFIC STOP	192
	TV	THEFT OF VEHICLE	1
	UNK	UNKNOWN PROBLEM	13
	USP	UNSECURED PROPERTY	8
	UTI	UTILITY PROBLEMS OR CC	1
	UW	UNWANTED PERSON OR F	8
	VR	VEHICLE RELEASE	2
	WAR	WARRANT SERVICE	3
		GRAND TOTAL:	692

Citations issued in September: 81

Number of Arrests in September: 34

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Fire Report – Chief Randy Pugh

District Summary

August 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
	Totals for All Fires in District:		1	0	0	0	0
40	322 Vehicle accident with injuries		1	0	0	0	0
40	412 Gas leak (natural gas or LPG)		1	0	0	0	0
40	444 Power line down		1	0	0	0	0
40	511 Lock-out		1	0	0	0	0
40	661 EMS call, party transported by non-fire		8	0	0	0	0
	Totals for All Non-Fire in District:		12	0	0	0	0
	Totals for All Incidents in District		13	0	0	0	0
41	322 Vehicle accident with injuries		5	0	0	0	0
41	411 Gasoline or other flammable liquid spill		1	0	0	0	0
41	550 Public service assistance, other		1	0	0	0	0
41	561 Unauthorized burning		1	0	0	0	0
41	611 Dispatched & canceled en route		2	0	0	0	0
41	661 EMS call, party transported by non-fire		11	0	0	0	0
41	700 False alarm or false call, other		1	0	0	0	0
	Totals for All Non-Fire in District:		22	0	0	0	0
	Totals for All Incidents in District		22	0	0	0	0
42	322 Vehicle accident with injuries		1	0	0	0	0
42	661 EMS call, party transported by non-fire		9	0	0	0	0
	Totals for All Non-Fire in District:		10	0	0	0	0
	Totals for All Incidents in District		10	0	0	0	0
	Grand Total for All Incidents		45	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: October 13, 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.

Mr. Mattessich's counsel filed his Brief in the Court of Appeals on August 25, 2015. The Township's Brief was filed September 23, 2015. Oral Argument is scheduled for December 17, 2015 at 9:30 am.

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

Southside Environmental Group filed their Brief in the Court of Appeals on October 6, 2015. Weathersfield's Brief is due October 20, 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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A moment of silence was held in honor of former Trustee James Price.

New Business:

15-148 Mr. McBride made a motion to approve the consent agenda, which includes the following:

- Minutes from the Zoning Hearing on September 8th, 2015 at 6:00 PM.
- Minutes from the Regular Meeting on September 8th, 2015 at 7:00 PM.
- Minutes from the Zoning Hearing on September 22nd, 2015 at 6:00 PM.
- Minutes from the Special Meeting on September 24th, 2015 at 8:00 AM.
- Drawing warrants upon our treasury and paying township bills.
- Then and Now’s pursuant to the list provided by the Fiscal Officer.

Then and Now's as of October 13, 2015

	THEN	NOW	AMOUNT
Staley's Communications	07/31/15	10/13/15	\$2,528.04

Mr. Blair seconded the motion.

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

15-149 Automated Speed Enforcement Mr. Blair made a motion to adopt an Automated Speed Enforcement Program and Establish Civil Penalties for Automated Speed Violations pursuant to the required statutory language and the attached resolution.

Mr. McBride seconded the motion.

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

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WEATHERSFIELD TOWNSHIP

RESOLUTION NO. ____

A RESOLUTION ADOPTING A TRAFFIC LAW PHOTO-MONITORING PROGRAM AND ESTABLISHING CIVIL PENALTIES FOR AUTOMATED SPEED VIOLATIONS.

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

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

WHEREAS, an automated speed enforcement program will assist Weathersfield Township in increasing compliance with speed limits without the disadvantages attendant to conventional traffic law enforcement, such as disruptions in the flow of traffic at heavily traveled locations and intersections; and

WHEREAS, the Ohio Legislature recently passed Senate Bill 342 adopting Ohio Revised Code §4511.092 et seq., authorizing the use of traffic law photo-monitoring devices;

NOW, THEREFORE, the Board of Trustees of Weathersfield Township, Ohio, hereby adopts the following resolution to implement Ohio Revised Code §4511.092 et seq. within Weathersfield Township.

Section 1. TITLE, PURPOSE, AND OBJECTIVES

As used in this Resolution, words and phrases are defined as follows:

- (a) “Automated speed enforcement program” is a program intended to increase compliance with speed limits using an automated speed enforcement system.
- (b) “Automated speed enforcement system” is a system with one or more sensors working in conjunction with a traffic law photo-monitoring device to produce recorded images of motor vehicles traveling at a prohibited rate of speed.
- (c) “Designated party” has the same meaning as in section 4511.092(A) of the Ohio Revised Code.
- (d) “Hearing officer” has the same meaning as in section 4511.092(B) of the Ohio Revised Code.
- (e) “Law enforcement officer” has the same meaning as in section 4511.092(C) of the Ohio Revised Code.
- (f) “Local authority” has the same meaning as in section 4511.092(D) of the Ohio Revised Code, and specifically Weathersfield Township.

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- (g) “Motor vehicle leasing dealer” has the same meaning as in section 4511.092(E) of the Ohio Revised Code.
- (h) “Motor vehicle renting dealer” has the same meaning as in section 4511.092(F) of the Ohio Revised Code.
- (i) “Motor vehicle” has the same definition as in section 4511.01(B) of the Ohio Revised Code.
- (j) “Ticket” means a notice issued as a result of an alleged traffic law violation recorded by an automated speed enforcement system.
- (k) “Recorded images” has the same meaning as in section 4511.092(G) of the Ohio Revised Code.
- (l) “Registered owner” has the same meaning as in section 4511.092(H) of the Ohio Revised Code
- (m) “System Location” has the same meaning as in section 4511.092(I) of the Ohio Revised Code.
- (n) “Ticket” has the same meaning as in section 4511.092(J) of the Ohio Revised Code.
- (o) “Traffic law photo-monitoring device” has the same meaning as in section 4511.092(K) of the Ohio Revised Code.
- (p) “Traffic law violation” has the same meaning as in section 4511.092(L) of the Ohio Revised Code.

Section 2. GENERAL

- (a) Weathersfield Township hereby adopts an automated speed enforcement program utilizing automated speed enforcement systems to record traffic law violations and impose a civil penalty on the registered owner of a vehicle for failure of an operator thereof to comply with the posted speed limit in school zones, streets or highways within Weathersfield Township as permitted by law. The imposition of a civil penalty under this section shall not be deemed a conviction for any purpose and shall not be made part of the vehicle operating record of any person upon whom the liability is imposed.
- (b) The Chief of Police shall be responsible for administering the automated speed enforcement program. The Chief of Police shall be empowered to take the actions necessary to create and operate the automated speed enforcement system within Weathersfield Township in accordance with law, including complying with of the prerequisites to implementing a traffic law photo-monitoring system set forth in Ohio Revised Code §4511.094 and §4511.095.
- (c) Weathersfield Township Police Officers may utilize a traffic law photo-monitoring device for the purpose of detecting traffic law violations. The Police Officer shall be present at the location of the device at all times during the operation of the device.

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Section 3. OFFENSE.

- (a) If a traffic law photo-monitoring device records a traffic law violation, and a law enforcement officer was present at the location of the traffic law photo-monitoring device at the time of the violation, the Weathersfield Township Police Department may issue a ticket for a civil violation in accordance with sections 4511.092 to 4511.0912 of the Ohio Revised Code.
- (b) The vehicle owner shall be issued a ticket for a civil penalty 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:
 - (1) For a system location that is located within a school zone or within the boundaries of a state or local park or recreation area, the Township shall not issue a violation using an automated speed enforcement system unless the vehicle involved in the violation is traveling at least six miles per hour over the posted speed limit.
 - (2) For a system location that is located within any other location than those described in Section 3(b)(1) above, the Township shall not issue a violation using an automated speed enforcement system unless the vehicle involved in the violation is traveling at least ten miles per hour over the posted speed limit.
- (c) A Weathersfield Township Police Officer shall examine evidence of alleged traffic law violations recorded by the device 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.
- (d) 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.
- (e) 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.
- (f) 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 proceeding for review of the ticket issued.

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Section 4. TICKET.

(a) 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:

- (1) The name and address of the registered owner;
- (2) The letters and numerals appearing on the license plate issued to the motor vehicle;
- (3) The traffic law violation charged;
- (4) The system location;
- (5) The date and time of the violation;
- (6) A copy of the recorded image(s);
- (7) 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;
- (8) The amount of the civil penalty imposed and the date by which the civil penalty should be paid and the address to which payment is to be sent;
- (9) 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;
- (10) Information advising the person or entity alleged to be liable of the options prescribed in Ohio Revised Code Section 4511.098, specifically to include the time, place and manner in which an administrative appeal may be initiated and the procedure for disclaiming liability by submitting an affidavit as prescribed in any of those sections;
- (11) 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.
- (12) The date of issuance of the ticket;

(b) A ticket issued under this Resolution shall be mailed no later than thirty (30) calendar days after the alleged traffic law violation.

(c) A person or entity who receives a ticket shall elect to do one of the following:

- (1) 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;

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- (2) Within thirty days after receipt of the ticket, provide Weathersfield Township Police Department with either of the following affidavits:
 - a. An affidavit executed by the registered owner stating that another person was operating the vehicle of the registered owner at the time of the violation, identifying that person as a designated party who may be held liable for the violation, and containing at a minimum the name and address of the designated party; or
 - b. An affidavit by the vehicle owner stating that at the time of the violation, the motor vehicle or the license plates of the motor vehicle involved were stolen or were in the care, custody, and control of some person who did not have the owner's permission to use the motor vehicle, or that the motor vehicle or license plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation. In order to demonstrate that the motor vehicle or license plates were stolen before the violation occurred and were not under the control or possession of the vehicle owner at the time of the violation, the vehicle owner must submit proof that a police report, incident report/general offense report about the stolen motor vehicle or license plates was filed prior to the violation or within 48 hours after the violation occurred.
- (d) A registered owner is not responsible for a traffic law violation if, within thirty days after the date of mailing of the ticket, the registered owner furnishes an affidavit specified in to the Township in a form established by the Township and the following conditions are met:
 - (1) If the registered owner submits an affidavit as specified in Section 4(c)(2)(a) of this section, the designated party either accepts liability for the violation by paying the civil penalty or failing to request an administrative hearing within thirty days or is determined liable in an administrative hearing;
 - (2) If the registered owner submits an affidavit as specified in Section 4(c)(2)(b) of this section, the affidavit is supported by a stolen vehicle or stolen license plate report as required in that division;
 - (3) If the registered owner is a motor vehicle leasing dealer or a motor vehicle renting dealer, notify Weathersfield Township Police Department of the name and address of the lessee or renter of the motor vehicle at the time of the traffic law violation. A motor vehicle leasing dealer or motor vehicle renting dealer who receives a ticket for an alleged traffic law violation detected by a traffic law phot-monitoring device is not liable for a ticket issued for a motor vehicle that was in the care, custody, or control of a lessee or renter at the time of the alleged violation. The dealer shall not pay such a ticket or ticket and subsequently attempt to collect a fee or assess the lessee or renter a charge for any payment of such a ticket made on behalf of the lessee or renter;

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- (4) If the vehicle involved in the traffic law violation is a commercial motor vehicle and the ticket is issued to a corporate entity, provide to Weathersfield Township Police Department an affidavit, sworn to or affirmed by an agent of the corporate entity, that provides the name and address of the employee who was operating the motor vehicle at the time of the alleged violation and who is the designated party;
- (5) Contest the ticket by filing a written request for an administrative hearing to review the ticket. The person or entity shall file the written request not later than thirty days after receipt of the ticket. The failure to request a hearing within this time period constitutes a waiver of the right to contest the violation and ticket, and is deemed to constitute an admission of liability and waiver of the opportunity to contest the violation.
- (e) In the event that the Township and/or Weathersfield Township Police Department receives from a registered owner an affidavit described in Section 4(c)(2)(a) or (b) or a notice described in Section 4(c)(4) hereof, the Township may proceed to send a ticket to the designated party. The Township shall send the ticket to the designated party not later than twenty-one days after receipt of the affidavit or notification.
- (f) A certified copy of the ticket alleging the violation of this Resolution occurred, sworn to or affirmed by a law enforcement officer of Weathersfield Township Police Department, with the recorded images produced by an automated speed enforcement system shall be prima facie evidence of the facts contained therein and shall be admissible in a proceeding alleging a traffic law violation under this Resolution.
- (g) Exception for emergency or public safety vehicles:
 - i. The provisions of this Resolution shall not apply to emergency vehicles or public safety vehicles when those vehicles are responding to emergency or call for emergency service.

Section 5. CIVIL PENALTIES.

- (a) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, or unless the exception or defense to liability set forth in Section 3(d) applies, the registered owner or designated party for the motor vehicle is subject to a civil penalty if the motor vehicle is recorded by an automated speed enforcement system while being operated in violation of this Resolution.
- (b) The civil penalty imposed shall be in accordance with the following schedule:
 - (1) If the civil penalty is paid within thirty (30) calendar days of the date of issuance of the ticket - one hundred dollars (\$100.00). If the offense occurs in a marked construction zone, the civil penalty shall be one hundred fifty dollars (\$150.00);

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- (2) 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;
- (3) If the civil penalty is paid more than forty five (45) calendar days of the date of issuance of the ticket – a late fee of fifty dollars (\$50.00) shall be added to the amount of the civil penalty;
- (c) 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;
- (d) The failure to respond to a ticket in a timely fashion as set forth in this Resolution shall constitute a waiver of the right to contest liability for the violation.
- (e) Persons who choose to pay the civil penalty without appearing before a Hearing Officer may do so in the manner indicated on the ticket.
- (f) 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: COLLECTION OF CIVIL PENALTY.

If the civil penalty is not paid, the civil penalty imposed under the provisions of this Resolution shall be collectable, together with any late fees, placement fee, interest and penalties thereon, in any manner authorized by law including but not limited to civil suit. In addition to any other fees or charges authorized by this Resolution in relation to the commission of a violation of this Resolution, a person liable for the penalties established under this Resolution will be assessed fees under this Resolution in an amount equal to the costs of collection of the debt with outside counsel hired or retained by the Township for litigation or collection of any citation or debt hereunder, as set forth in Section 5 hereof.

Section 7: ADMINISTRATIVE APPEAL HEARING PROCESS.

- (a) A registered owner or designated party may contest the ticket by filing a written request for an administrative hearing to review the ticket with the Township Police Department or its designee. A written notice of request for an administrative hearing must be received by the Township Police Department, or its designee, within thirty (30) calendar days after the date of

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issuance of the ticket. The failure to give notice of request for an administrative hearing within this time period shall constitute a waiver of the right to contest the ticket. A hearing officer shall conduct administrative hearings. Administrative hearings shall be held within forty-five (45) business days of the date that timely request for a hearing is received by the Township Police Department or its designee, but not sooner than twenty-one (21) days from receipt by the Township Police Department of such request; this time may be extended upon a reasonable written request for additional time or upon reasonable notification of the hearing officer or Township with notice to all parties. The administrative hearing shall be open to the public, and a hearing schedule shall be posted in a conspicuous place near the entrance to the hearing room that shall identify, by alleged violator, the administrative hearings scheduled for that day and the time of each hearing. More than one hearing may be scheduled for the same time to allow for such things as non-appearances or admissions of liability.

- (1) The hearing officer shall determine whether a preponderance of evidence establishes that a traffic law violation occurred and the person requesting the administrative hearing is the party operating the vehicle at the time of the traffic law violation. The hearing officer shall advise the person or entity on the day of the hearing of the hearing officer's decision.
 - a. If the hearing officer finds by a preponderance of the evidence that the alleged traffic law violation did in fact occur and that the person or entity named in the ticket is the person who was operating the vehicle at the time of the violation, the hearing officer shall issue a written decision imposing civil penalty for the violation upon the individual or entity and submit it to the Township of Weathersfield or its designee and the person or entity named in the ticket;
 - b. If the hearing officer finds by a preponderance of the evidence that the alleged traffic law violation did not occur or did in fact occur but the person or entity named in the ticket is not the person who was operating the vehicle at the time of the violation, the hearing officer shall issue a written decision finding that the individual or entity is not liable for the violation and submit it to Weathersfield Township or its designee and the person or entity named in the ticket;
 - c. If the person who requested the administrative hearing or a representative of the entity that requested the hearing fails to appear at the hearing, the hearing officer shall determine that the person or entity is liable for the violation. In such a case, the hearing officer shall issue a written decision imposing liability for the violation upon the individual or entity and

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submit it to the local authority or its designee and the person or entity named in the ticket.

- (b) If the registered owner or designated party chooses to contest the ticket, the hearing officer may consider any of the following as an affirmative defense to a violation upon the defense being established by a preponderance of the evidence by the registered owner or designated party:
- (1) That the motor vehicle or license plates of the motor vehicle were stolen before the violation occurred and were not under control or possession of the registered owner at the time of the traffic law violation. In order to demonstrate that the motor vehicle or license plates were stolen before the traffic law violation occurred and were not under the control or possession of the registered owner at the time of the traffic law violation, the owner must submit proof that a police report about the stolen motor vehicle or license plates was filed prior to the traffic law violation or within 48 hours after the traffic law violation occurred.
 - (2) That the motor vehicle was under the custody and/or control of another person at the time of the violation. In order to establish this, the owner or responsible person must provide the name and address of the person who had custody and/or control of the motor vehicle at the time of the traffic law violation.
 - (3) That this section is unenforceable because the recorded image is not legible enough to determine the information needed.
 - (4) Evidence, other than that adduced pursuant to Section 7(b)(1) of this Resolution, that the registered owner or person named in the ticket was not operating the motor vehicle at the time of the violation. To satisfy the evidentiary burden under this subsection, the owner or person named in the ticket shall provide to the hearing officer evidence showing the identity of the person who was operating the motor vehicle at the time of the traffic law violation, including, but not limited to, the operator's name and current address, and any other evidence the hearing officer deems pertinent.
 - (5) That under consideration of the totality of the circumstances the person or entity named in the ticket is not liable. The hearing officer may dismiss the ticket when he or she deems that a dismissal is fair and equitable or warranted based upon his or her sole discretion.
- (c) If the hearing officer finds that the person or entity named in the ticket was not operating the motor vehicle at the time of the violation or receives evidence under Section 7(b)(4) identifying the designated party, the hearing officer shall provide it to Weathersfield Township or its designee within five

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- (5) calendar days, along with a copy of any evidence substantiating who was operating the motor vehicle at the time of the traffic law violation.
- (1) Upon receipt of evidence of the designated party pursuant to this Section, Weathersfield Township or its designee may issue a ticket, with the name and address of the designated party and the information required by Section 4 of this Resolution, to the person that the evidence indicates was operating the motor vehicle at the time of the violation.
 - (2) A ticket issued under this Section 7(c), shall be sent by Weathersfield Township or its designee by ordinary mail no later than twenty-one (21) business days after the receipt of the evidence from the hearing officer.
 - (3) If a designated party who was issued a ticket under Section 7(c) hereof contests the ticket by filing a written request for an administrative hearing to review the ticket not later than thirty (30) days after receipt of the ticket, Weathersfield Township shall require the registered owner of the motor vehicle also to attend the hearing. If at the hearing involving the designated party the hearing officer cannot determine the identity of the operator of the vehicle at the time of the violation, the registered owner is liable for the violation. The hearing officer then shall issue a written decision imposing liability for the violation on the registered owner and submit it to the Township or its designee and to the registered owner. If the designated party also is a registered owner of the vehicle, liability for the violation shall follow the order of registered owners as listed on the title to the vehicle.
- (d) A person who is named in a ticket for a civil violation may assert a testimonial privilege in accordance with division (D) of Section 2317.02 of the Ohio Revised Code.
 - (e) The hearing officer shall render a decision on the day a hearing takes place.
 - (f) A person or entity may appeal a written decision rendered by a hearing officer under this section to the court with jurisdiction over the location where the violation occurred.

Section 8. CALIBRATION

- (a) The manufacturer or operator of the automated speed enforcement system used by the Township, or an independent calibration laboratory, shall calibrate said device before it is used by the Township. The manufacturer or operator of the automated speed enforcement system shall certify to the accuracy of each traffic law photo-monitoring device in accordance with applicable federal law, if any. For each traffic law photo-monitoring device that is considered mobile or portable, meaning it is attached to a trailer, vehicle, or

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other apparatus that is easily transported to different automated speed enforcement system locations, the automated speed enforcement system shall perform a system self-test and calibration verification of said traffic law photo-monitoring device in accordance with the manufacturer’s specifications prior to its use at each the automated speed enforcement system location. For each device that is considered mobile or portable, meaning it is attached to a trailer, vehicle or other apparatus that is easily transported to different system locations, the Township or its designee shall clearly and conspicuously mark on the outside of the trailer, vehicle, or apparatus that contains the traffic law photo-monitoring device that the device is the property or under the control of the Township.

Section 9. SIGNS

The Township Road Department shall erect 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. The signs shall inform inbound traffic that the Township utilizes traffic law phot-monitoring devices to enforce traffic laws. The signs shall be erected within the first three hundred feet of the boundary of the Township and any 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 10. 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 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 11. 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.

15-150 Agreement Optotraffic Mr. McBride made a motion to enter into an agreement with Ohio Jurisdiction and Optotraffic, LLC, pursuant to the terms and conditions as they are set forth in the agreement. Subject to final legal counsel review.
Mr. Blair seconded the motion.
Vote: Mr. McBride -yes Mr. Blair – yes Mr. Gerberry - yes
Motion carried.

15-151 Cemetery Endowment Mr. Blair made a motion to establish a Cemetery Endowment Fund for the purpose of accepting donations; 50% of the donations will be used for current improvements and 50% of the donations will be used for long term care of the cemeteries pursuant to the required statutory language.
Mr. McBride seconded the motion.
Vote: Mr. Blair – yes Mr. McBride - yes Mr. Gerberry -yes
Motion carried.

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- 15-152 Mr. McBride made a motion to accept a \$1,000.00 donation to our police
 Donation to department from the National Alliance on Mental Illness (NAMI), the states
 Police Dept voice on mental illness; the donated funds were made available from Attorney
 General Mike DeWine.
 Mr. Blair seconded the motion.
 Vote: Mr. Blair – yes Mr. McBride - yes Mr. Gerberry -yes
 Motion carried.
- 15-153 Mr. McBride made a motion to reject all bids for the OPWC Project DFS08 –
 Reject bids TH 441 (Garland Street) Project and to authorize Township Administrator
 David Rouan to notify the Trumbull County Engineer accordingly. All of the
 bids exceed the Engineer’s Estimate. The project will be rebid next year.
 Mr. Blair seconded the motion.
 Vote: Mr. McBride - yes Mr. Blair – yes Mr. Gerberry – yes
 Motion carried.
- 15-154 Mr. Blair made a motion to authorize the Township Attorney to file suit
 File against against MS Consultants, Inc. of Youngstown, Ohio. This is in regards to the
 MS County Line Road Safety Upgrade Project.
 Consultants Mr. McBride seconded the motion.
 Vote: Mr. Blair – yes Mr. McBride - yes Mr. Gerberry – yes
 Motion carried.
- 15-155 Mr. McBride made a motion to authorize Township Administrator David
 Settlement Rouan to execute on behalf of the board of Trustees, effective October 8th,
 E. Merritt 2015, the Amended Settlement Agreement and Release from the Ohio BWC
 (Lewis) regarding IW Elizabeth A. Merritt. The settlement amount is \$500.00 and has
 been approved by the Ohio BWC. By executing this Amended Settlement
 Agreement and Release, the Township is released from any future claim
 against the Township for Worker’s Compensation Benefits in relation to the
 injury.
 Mr. Blair seconded the motion.
 Vote: Mr. McBride - yes Mr. Blair – yes Mr. Gerberry – yes
 Motion carried.
- 15-156 Mr. Blair made a motion to go into Executive Session at 7:35 p.m. to consider
 the appointment, employment, dismissal, discipline, promotion, demotion, or
 compensation of a public employee or official.
 Mr. McBride seconded the motion.
 Vote: Mr. Blair - yes Mr. McBride – yes Mr. Gerberry – yes
 Motion carried.
- 15-157 Mr. Blair made a motion to come out of Executive Session at 8:32 p.m.
 Mr. McBride seconded the motion.
 Vote: Mr. Blair - yes Mr. McBride – yes Mr. Gerberry – yes
 Motion carried.

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- 15-158 Mr. McBride made a motion to accept the resignation of part-time police
Resignation officer Joseph Fiorenza effective September 22nd, 2015. Joseph is pursuing
Off Fiorenza other options at this time.
 Mr. Blair seconded the motion.
 Vote: Mr. McBride -yes Mr. Blair – yes Mr. Gerberry - yes
 Motion carried.
- 15-159 Mr. McBride made a Motion to hire Nicholas Grabosky as a part-time police
Hire Officer officer within the Weathersfield Township Police Department effective
N Grabosky October 1st, 2015. The part-time police officer position shall receive the rate
 of pay, benefits, and other considerations as set forth in the policies and
 procedures as adopted by the board of Trustees.
 Mr. Blair seconded the motion.
 Vote: Mr. McBride - yes Mr. Blair – yes Mr. Gerberry – yes
 Motion carried.
- 15-160 Mr. Gerberry made a motion to amend motion 15-155 and add the following
Amend wording: Employee received prior copy of the Township policy.
Motion Mr. McBride seconded the motion.
 Vote: Mr. Gerberry – yes Mr. Blair - yes Mr. McBride – yes
 Motion carried.
- 15-161 Mr. McBride made a motion to enter into an employment agreement with
Rehire David A. Rouan for the position of Township Administrator effective January
Dave Rouan 1st, 2016.
 Mr. Blair seconded the motion.
 Vote: Mr. McBride - yes Mr. Blair – yes Mr. Gerberry – yes
 Motion carried.
- 15-162 Mr. Blair made a motion to accept the bid from Browning Ferris Industries of
2016 Garbage Ohio Inc. dba Republic Services of Youngstown, the lowest responsive and
Contract responsible bidder, for the collection and disposal of residential waste and
 recyclable material, for single and two-family dwelling structures within the
 unincorporated area of Weathersfield Township pursuant to and in accordance
 with the bid package, specifications, bid, and contract documents. The
 exclusive contract for collection and disposal of residential refuse and garbage,
 with recycling, shall be for a three (3) year period with the potential for two
 mutually agreed extension periods for a period of two (2) years each.
 Mr. McBride seconded the motion.
 Vote: Mr. Blair - yes Mr. McBride – yes Mr. Gerberry – yes
 Motion carried.
- 15-163 Mr. Blair made a motion to adjourn the meeting.
Adjourn Mr. McBride seconded the motion.
 Vote: Mr. Blair - yes Mr. McBride – yes Mr. Gerberry – yes
 Motion carried.

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Next Meetings:

Caucus: Thursday, October 29, 2015 at 8:00 AM
Meeting: Tuesday, November 10, 2015 at 7:00 PM.
The Trustees open forum begins at 6:15 PM.

Fred R. Bobovnyk, Fiscal Officer

Steven J. Gerberry, Chairman

H. Gilson Blair, Vice-Chairman

Marvin J. McBride, Trustee