

NEWTON TOWNSHIP BOARD OF TRUSTEES
4410 NEWTON FALLS BAILEY ROAD
NEWTON FALLS, OH 44444
MONTHLY MEETING
MARCH 03, 2021

The Newton Township Board of Trustees held its monthly meeting on Monday, March 03, 2021 at the Township Administration Building, 4410 Newton Falls-Bailey Road in Newton Falls, OH with Trustees Augusta, Lutz and Fiscal Officer Montgomery present. Trustee Nemet joined the meeting via phone to participate (allowable per current COVID-19 emergency declaration guidelines). Augusta led the Pledge of Allegiance and called the meeting to order at 6:40 p.m.

ALSO PRESENT: Rod Hedge, zoning inspector; six members of the general public

PUBLIC HEARING; Request for zone change/ change to Zoning Resolution text/map Parcel ID 51-901439

Augusta opened the Public Hearing portion of the meeting by summarizing the procedure and purpose.

Montgomery confirmed the publish date of the legal notice and read the notice as follows:

*The Board of Trustees of Newton Township, Trumbull County, Ohio, gives notice that a Public Hearing will be held on the **3rd day of March, 2021 at 6:30 p.m.** at the Township Administration Building located at 4410 Newton Falls-Bailey Road, Newton Falls, Ohio 44444 on the request to amend the Zoning Resolution text/map:*

Owner: Gerald W Apel/Kathleen Apel Co Trustees

Tax Parcel ID#: 51-901439

[Request to rezone parcel from (MH) and (B-2) to (R-1) to allow for the building of a residence]

A copy of the petition and recommendations is on file with the Township and is available for inspection and copying at the Administration Building upon request to the Fiscal Officer at (330) 716-3712.

All persons have a right to appear in person or by representation to question the owner or give testimony.

BY ORDER OF THE NEWTON TOWNSHIP BOARD OF TRUSTEES

By Susan D. Montgomery, Fiscal Officer

#053-IT-February 22, 2021-#5875

There were no abstentions or conflicts of interest noted among Board members.

Zoning Inspector Hedge reported that about a year ago the property was reviewed for sale for a campground and for single family housing. No sale resulted due to the current zoning of the parcel (MH and (B-2) not conforming to the needs of the potential buyers. A family is currently looking to purchase the property and they have an interest in building a horse barn and single family home which would require a change in zoning; that is what triggered the zone change request.

Augusta read the Trumbull County Planning Commission's recommendation to the Zoning Commission; the recommendation was to retain the front portion of the parcel zoned B-2 and change the MH designation to R-1. He then read the motion which defined the recommendation of the Zoning Commission to the Board of Trustees as a result of their review and public hearing. Augusta read the

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recommendation submitted from the public hearing held by the Zoning Commission on February 10, 2021, as follows:

(ZC RESOLUTION 2021-01) *Gartland moved to approve the rezoning (Parcel ID #51-901439), in its entirety, to Residential R-1(for reasons previously stated) in accordance with our Zoning Resolution, the desires of the property owner, and the currently used Western Trumbull County Comprehensive Plan. Second by Heckathorn.*

Roll Call: Gartland, Yes Heckathorn, Yes Hanzes Yes Knopsnider Yes MOTION CARRIED 4-0

Attorney Thomas Nader, Nader and Nader Associates in Warren, OH representing petitioners Gerald and Kathleen Apel, noted that several parties have been interested in the property, all for residential purposes which would require a zoning change. With the property being adjacent to a mobile home park, from a zoning perspective, he suggested a zoning change to R-1 would be less burdensome and would allow for the sale of the property to go through. He requested that the Board confirm the recommendation of the Zoning Commission.

Dean and Suzanne Carr, 3175 SW Carson Salt Springs Road, Warren, OH 44481 stated that they were in agreement with a zone change to R-1 but asked why the current owner was requesting the zone change? He felt the prospective buyer should approach the Board. Augusta clarified that only the current landowner can request a property change and perhaps Apel could have sold the property sooner had he requested a change a long time ago; he has the right to request the change. He noted the R-1 is more restrictive zoning than MH or B-2. Augusta noted that, with the zone change, even if this deal falls through any new buyer could build a home on that property. Hedge clarified that R-1 only allows for single or two family homes; not multi housing. The Carr's said they did not receive their notice of a public hearing prior to the Zoning Commission hearing and wanted to have a chance to address the potential zoning change before it was adopted.

Patti Hanzes, E River Road, agreed with the R-1 designation for the entire property as she couldn't see anyone wanting to open the door for commercial development in front of their home.

There being no additional comment by Board members or the public, Augusta moved to close the public comment portion of the hearing, Second by Lutz.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

Augusta noted that the zone change will be considered under New Business.

APPROVAL OF MINUTES

Augusta moved to suspend the reading of the January 25, 2021 monthly meeting minutes and approve as submitted. Second by Lutz.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

Augusta moved to suspend the reading of the January 28, 2021 special meeting minutes and approve as submitted. Second by Nemet.

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Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

Augusta moved to suspend the reading of the February 10, 2021 special meeting minutes and approve as submitted. Second by Lutz.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

Augusta moved to suspend the reading of the February 17, 2021 work session minutes and approve as submitted. Second by Nemet.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

REPORTS

Fiscal Officer Montgomery presented the December 2020 reconciliation with a reconciled balance of \$936,184.30. The January 2021 reconciled balance of \$872,971.49 included a \$4,098.17 adjusting factor for direct deposit payroll that carried over to the next month and an adjustment of \$533.39 to account for the overpayment to RITA in January. The 2020 year-end financial reports were presented and reviewed and made available to anyone with interest. The annual report was filed with the state of March 01, 2021. The report is filed with these minutes for review.

Cemetery deeds were presented for WS 657 ½ #2, WSF 99 #1, STM D-6 grave C, and WSF 58 #4 & 5. Montgomery requested that the Board address the septic odor that has returned to the building. Augusta responded that he believes the source of the odor has been located (traps near the septic tanks) and the issue resolved.

Hall summarized his February road/cemetery activities which included the following: requested an order replacement street signs; took delivery of 100 T salt from county engineer; prepared mowers for upcoming season; picked up more trash along roadways; checked on roads to request quotes for repair; put down nine loads of cold patch; called out to salt; had one burial and sold one grave in STM Cemetery.

There was no sheriff report available for distribution.

Hedge submitted the zoning report through February 22 which included 2 permits totaling \$220 (new home and driveway). He received an inquiry from someone wanting to install a stick ball/ motorbike racing facility on Selkirk-Bush and explained prior history to the requestors regarding a plans for a similar project shut down years ago as the community did not want it. Hedge noted he sees little to address this request in the Zoning Resolution. He had a second inquiry regarding a shooting range in a 12 x 20 ft. building on Newton Falls-Bailey Road to be used for teaching about firearms, and also for a firearm range to be built. He suggested these items should be reviewed with the attorney since he doesn't see where they are addressed currently in the Zoning Resolution.

TRUSTEE REPORTS

Nemet –thanked the Board for including him in the meeting as he was unable to attend in person.

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Lutz and Augusta thanked the Road Department for addressing and fixing pot holes.

Augusta moved to receive all reports as submitted. Second by Nemet.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

OLD BUSINESS

21.03.01

Augusta moved to accept the proposal from Gibbs Construction, Inc. 2975 Salem-Warren Road, Warren, OH and authorize Rod Hedge, Zoning Inspector, to contract for the demolition and clean-up of 5204 Cleveland Avenue at a cost not to exceed \$12,600 (does not include allowance for hot loads). Second by Nemet.

Discussion: This will be the Township's One and Done demolition project for 2021.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

21.03.01 TEMPORARY SUPPLEMENTAL APPROPRIATION RESOLUTION FOR FISCAL YEAR 2021

Augusta moved to adopt Supplemental Temporary Appropriations in the following funds upon the recommendation of the Fiscal Officer (to comply with the legal level of authority of salaries; benefits; other):

<u>Fund</u>	<u>Salaries</u>	-	<u>Benefits</u>	-	<u>Other</u>	-	<u>Capital Projects</u>	-	<u>Total Supplemental Appropriation</u>
1000 General Fund	\$0.00		\$0.00		\$12,600.00		\$0.00		\$12,600.00
Total	\$0.00		\$0.00		\$12,600.00		\$0.00		\$12,600.00

Motion seconded by Lutz.

ROLL CALL: Augusta, Yes Lutz Yes Nemet Yes MOTION CARRIED 3-0

Upon adoption of Supplemental Appropriations, Permanent Appropriations were amended as follows:

<u>Fund</u>	<u>Salaries</u>	-	<u>Benefits</u>	-	<u>Other</u>	-	<u>Capital Projects</u>	-	<u>Total Appropriations</u>
1000 General	\$15,000.00		\$25,000.00		\$73,800.00		\$0.00		\$113,800.00
2011 Motor Vehicle	\$0.00		\$0.00		\$12,000.00		\$0.00		\$12,000.00
2021 Gasoline Tax	\$35,000.00		\$0.00		\$20,000.00		\$0.00		\$55,000.00
2031 Road & Bridge	\$9,500.00		\$25,000.00		\$45,000.00		\$0.00		\$79,500.00

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2041 Cemetery	\$9,000.00		\$2,500.00		\$10,000.00		\$0.00		\$21,500.00
2081 Police	\$0.00		\$0.00		\$20,000.00		\$0.00		\$20,000.00
2111 Fire	\$0.00		\$0.00		\$1,000.00		\$0.00		\$1,000.00
2231 Motor Vehicle Perm	\$0.00		\$0.00		\$14,000.00		\$0.00		\$14,000.00
2272 Coronavirus Relief Fund	\$0.00		\$0.00		\$800.00		\$0.00		\$800.00
Total	\$68,500.00		\$52,500.00		\$196,600.00		\$0.00		\$317,600.00

BE IT RESOLVED that appropriations may be reallocated as necessary by the Fiscal Officer within the legal level of authority of appropriations as presented.

NEW BUSINESS

21.03.03 Augusta moved to approve the payment listing and pay bills as presented (through 36-2021 and 24656). Second by Nemet.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

21.03.04 Augusta moved to approve purchase orders as listed (through PO 6-2021). Second by Lutz.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

21.03.05 Augusta moved to accept the following reconciliation reports as presented by the fiscal officer:

December 2020 reconciliation

2020 Year-end Financial Report and Notes

January 2021 reconciliation

Second by Nemet.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

21.03.06 Augusta moved to approve the 2021 Conservation Appropriation to Trumbull Soil and Water Conservation District in the amount of \$1,428.00. Second by Lutz.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

21.03.07 Augusta moved to set the date for the 2021 Scrap Tire Collection and Clean-up Weekend for Saturday and Sunday, May 1 and 2, 2021 from 8 a.m. to 1 p.m. Second by Nemet.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

In response the Public Hearing and request for zone change on Parcel ID# 51-901439:

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21.03.08 Augusta moved to approve the zone change and change to any text/map on

Parcel ID # 51-904439, owned by Gerald and Kathleen Apel, from MH and B-2 to Residential R-1 in its entirety upon the recommendation of the Newton Township Zoning Commission. Second by Lutz.

Discussion: There was no additional discussion on the matter.

Roll Call: Augusta, Yes Lutz, Yes Nemet, Yes MOTION CARRIED 3-0

TRUSTEES

Nemet noted the Public Hearing on the Comprehensive Plan will be held at the Township on March 10 at 6:00 p.m.

PUBLIC

Patti Hanzas-E. River Rd.-she commented that the Commerce Association is replacing the blue trash barrels at Commerce Park and she requested that the Board consider replacing the trash barrels in the cemeteries with something that looks a bit nicer. Secondly, she noted the City Manager said in a public meeting he was speaking to Augusta regarding the Scott St. Project. He (CM Lynch) said that EPA may have funds for the project in 2022. She was curious why the Village was enforcing compliance with the project and not the county?

Augusta responded that everything was in place for the project in 2005. Phase 1 was done and Phase 2 was pushed back; the EPA mandated the project be completed by 2015, but that didn't happen. The engineer's office approached the Village last October to see if they would be interested in pursuing the Project. The city manager and county engineer agreed there would be no annexation to add the services for the Township residents in that area. Augusta the noted that Councilman Baryak contacted him as he heard the Trustees were not in favor of the Project, but that is not the case. Raw sewage is flowing directly into the river; we welcome any help we can get to resolve that but will only agree if it is affordable to our residents and we know what the funding is. Augusta said residents in the area of the Scott St. Project will need to replace their septic systems. The Board needs to see numbers before agreeing to anything and would be interested in a TownHall meeting, but they want the facts first.

Augusta moved to adjourn the meeting. Second by Lutz.

Roll Call: Augusta, Yes Nemet, Yes Lutz, Yes MOTION CARRIED 3-0 The meeting adjourned at 7:32 p.m.

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These meeting minutes have been lawfully approved as submitted on this date: March 22, 2021.

Respectfully submitted
Susan D. Montgomery
Fiscal Officer

Official copy available by request.