

## CITY OF AMHERST, OHIO

OFFICE OF THE  
CLERK OF COUNCIL  
(440) 988-2420  
(440) 988-2570 fax

OLGA SIVINSKI  
206 SOUTH MAIN STREET  
AMHERST, OH 44001  
[council@amherstohio.org](mailto:council@amherstohio.org)

Minutes of the Police and Fire Committee Meeting held February 17, 2025, at 7:00 P.M. Present in Council Chambers were Chairman Winiarski, Mr. Heberling, Mr. Janik, Mr. Dembinski, Mr. Nahorn, Ms. Harmych, Mr. Wachholz, President Wasilk, Auditor Phillips, Treasurer Ramsey, Assistant Law Director Ward, Law Director Pecora, and Safety/Service Director Jeffreys

A-25-04 Amending the noise ordinance

Mr. Janik spoke to the changes that were provided by Mr. Ward, following the last committee meeting. The Decibel chart was discussed. Mayor Costilow explained the Decibel levels and how they register and at what point they should be considered a nuisance. He and Mr. Pecora discussed some other concerns about the decibel measurements. Mayor Costilow discussed some exemptions that should be added. Mr. Ward pointed out that some exemptions were listed. Discussion continued. Mr. Janik motioned to strike the City observed holidays. Seconded by Mr. Dembinski. Vote 7-0. Mr. Ramsey suggested under 4(a) to replace the words with emergency services. Mr. Janik made that motion. Seconded by Mr. Dembinski. Vote 7-0.

Mr. Wachholz said per the World Health Organization, not to exceed 50 at night and 55 during the day is their recommendation. He asked if a resident was riding around on a dirt bike around their home day and night, what part of this ordinance would prevent that from happening. Mr. Pecora said it depends on what we agree on with he decibels. Discussion. Mrs. Wasilk pointed out differences in sound Decibels. She explained the decibels and at what point they can cause hearing loss. Mr. Janik motioned under the General Standard, #2, to add the limit of 15 minutes. (TWA) Seconded by Mr. Wachholz. Voice vote 7-0.

Chair Winiarski said he liked the idea of a DBA, DBM, DBC scale. It puts a measurement on things that are hard for people to understand. He asked how a Judge would be able to discern the burden of proof. Mayor Costilow said they would have a professional device. He asked how this will

affect firework, which are legal now. The reply was that this is an exception. Mr. Pecora mentioned public vs. private fireworks. Mr. Wachholz asked about the noise from trains. Mr. Pecora did not think we could put something in place to stop that from happening.

Mr. Dembinski asked about the section on vibrations. He asked if we were keeping 4 (b). Mr. Ward said that section was revised per the building official. It was stated that there is no way to measure vibrations. Mayor mentioned it might become complicated. Mr. Ward thought this was struck at the last meeting. Mr. Dembinski said they had talked about exemptions when the Mayor or Safety/Service Director allowed or approved the activity. But the law department had said that because these were criminal type penalties we could not have someone semi-arbitrarily saying that it would not apply. Mr. Pecora asked for the section and Mr. Dembinski read them. He also said under 3 D regarding animals he did not want to have it conflict with our specific department dog ordinance. Mr. Winiarski asked what an appropriate amendment would be? Mr. Pecora said they would look at it. Mr. Dembinski motioned to have the law department modify the proposed ordinance so that everything in there is enforceable. Seconded by Mr. Wachholz. Vote 7-0. Mr. Janik motioned under section b, the vibration section, to be removed since we have no physical instrument for measuring this. Seconded by Mr. Dembinski. Mr. Winiarski questioned why this needs to be removed in that case. Mr. Pecora explained. Mr. Heberling asked about the vibrations and if they are causing earth vibrations? He wondered if they were that extreme? He does not feel it should be removed. Mr. Wachholz wondered if this vibration could be caused by jack-hammering? Mr. Winiarski said there was a case where there was quarrying and it actually shook foundations. Mr. Dembinski explained what he thought his interpretation was. Vote 5-2 with Mr. Heberling and Mr. Winiarski voting no. Mr. Nahorn motioned to amend the ordinance title so that it says in part "to establish noise related performance standards." Seconded by Mr. Janik. Vote 6-1 with Mr. Heberling voting no.

Mr. Janik said going back to the chart and the readings - will there be an adjustment to those to make them higher? Mr. Winiarski felt they should be left as is but offered to bring in his device for measuring it and will set it up in chambers and announce DBA levels.

He felt they were ok as presented. Mr. Janik disagreed. Mr. Dembinski said the point of this ordinance is so it does not infringe upon the neighborhood. Mrs. Wasilk also explained. Mr. Wachholz asked about the enforcement of this. Mr. Winiarski said he could call the Chief and ask him how this will be enforced. Mr. Dembinski motioned to table A-25-04. Seconded by Mr. Wachholz. Voice vote 6-1 with Mr. Janik voting no.

A-25-05 Amending Section 509.11 of the Codified

Mr. Janik asked about item (a) a reference was made to another section. Mr. Ward said that was one of his recommendations initially for the 2/3 meeting. He explained.

Mr. Dembinski asked about Page 2, under B 1, it lists amplifying sound devices, he wondered why they all had to be listed individually. Mr. Ward said he can change that. Mr. Janik motioned to remove all the listed items and go with sound amplification items. Seconded by Mr. Dembinski. Vote 7-0.

Mr. Dembinski asked about A 3 which talks about construction and about the consent of the Fire Chief. Mr. Ward agreed to strike that portion and provide proper verbiage.

Mr. Ramsey asked if Quesadillas and Brew Kettle playing outdoor music would violate that sections. Mr. Winiarski feels that only if someone objects would the police show up. Mr. Pecora said that technically, it would a violation. Mr. Pecora said the city can permit certain things ahead of time. Discussion. Mr. Dembinski motioned to table A-25-05. Seconded by Mr. Nahorn. Mayor Costilow spoke to permission that is given for special events. Mr. Pecora said music inside that is heard on the outside does not violate that section. Mr. Ramsey suggested other verbiage. Roll call vote 6-1 with Mr. Janik voting no.

Mr. Dembinski motioned to adjourn, seconded by Mr. Wachholz. Voice vote 7-0 to adjourn. The meeting adjourned at 8:15 P. M.