

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
February 2, 2009**

The following written summary constitutes the accurate record of the Liberty Township Trustees Proceedings in special session on February 2, 2009 as determined by the Fiscal Officer.

SPECIAL MEETING PROCEEDINGS

The Trustees of Liberty Township met in special session Monday, February 2, 2009, at 6:30 p.m. at the Liberty Township Complex. All Trustees were present. Also present were Township Administrator Dave Anderson, Fiscal Officer Mark Gerber and Township Legal Counsel William Loveland and Craig Paynter.

The meeting was called to order.

Mr. Sybert moved and Mr. Mann seconded a motion to enter executive session under ORC 121.22(G)(3) "Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action". The vote was Mr. Sybert-yes, Mr. Mann-yes, and Mrs. Guzzo-No.

Ms. Guzzo recused herself from the session and left the room stating that in her opinion the meeting was a violation of Ohio's sunshine law. Both attorneys Paynter and Loveland told her that this executive session was not a violation of the sunshine rules.

The motion to return to public session was made by Mr. Mann and seconded by Mr. Sybert. The vote was Mr. Mann-yes; Mr. Sybert-yes; Mrs. Guzzo-not present.

The meeting adjourned at 7:25pm.

REGULAR MEETING PROCEEDINGS SUMMARY:

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Liberty Township Trustee Proceedings at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a road map to the audio record. Copies of this record are available by request at the Township Government Office, 10104 Brewster Lane, Suite 125, Powell, Ohio.

The Trustees of Liberty Township met in regular session Monday, February 2, 2009, at 7:30 p.m. at the Liberty Township Complex. All Board Members were present. Also present were Township Administrator Dave Anderson, and Fiscal Officer Mark Gerber. See attached sign-in sheet for others in attendance.

Chairperson Robert Mann called the meeting to order with the Pledge of Allegiance.

RESOLUTION 09-0202-08: Paying Vendors Using Electronic Funds Transfer

Mr. Mann moved to adopt Resolution #09-0202-08 Paying Vendors using electronic Funds Transfer. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION: 09-0202-01: Approving “Then and Now” PO’s

Mr. Sybert moved to adopt Resolution #09-0202-01 Approving “Then and Now” PO’s. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 09-0202-02: Approving Bills – checks and warrants

Mr. Mann moved to adopt Resolution #09-0202-02 Approving Bills – checks and warrants. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

CITIZEN COMMENT: None

RESOLUTION 09-0202-03: Approving Traffic Calming plan for Carriage Road and requesting County Engineer installation.

Ms. Guzzo moved to adopt Resolution #09-0202-03 Approving Traffic Calming plan for Carriage Road and requesting County Engineer installation. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 09-0202-04: Approving new cost structure associated with the public Records production/copying schedule

Ms. Guzzo moved to adopt Resolution #09-0202-04 Approving new cost structure associated with the Public Records production/copying schedule. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 09-0202-05: Authorizing additional expenses for PC&L Insurance Coverage

Mr. Mann moved to adopt Resolution #09-0202-05 Authorizing additional expenses for PC&L Insurance Coverage. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 09-0202-06: Approving a Liquor License for Englefield, Inc.

Mr. Sybert moved to adopt Resolution #09-0202-06 Approving a Liquor License for Englefield, Inc. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

RESOLUTION 09-0202-07: Approving purchase of specialized snow and ice control equipment

Mr. Mann moved to adopt Resolution #09-0202-07 Approving purchase of specialized snow and ice control equipment costing \$7,066.00. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

Residential comment period regarding option to implement curbside recycling using a publicly bid trash contract approach (3 minutes max)

Ms. Robin Adamson gave an overview of what the committee submitted.

Ms. Jean Stoll also added to the overview with the comment of wanting the choice to choose their current carriers.

Steve from Flower Garbage also commented from the business side and made the suggestion that the citizens are informed.

ADMINISTRATIVE REVIEW #07-04 Wedgewood Park green space/no build zone. This development plan to reduce the natural green space/no-build zone at the rear of lots #3746-3755 (excluding lot 3753) from 75' to 25'.

Mr. Rob Stafford gave his overview of how his Administrative Review was brought up and his opinions on how the green space and rules are not in sync.

Mr. Mick Divens gave his overview of how the Zoning Code should stay and how the value of his land has and will be diminished.

Dr. Threlfall and Belinda Simile spoke on behalf of the Zoning Commission and how they came up with their recommendations. This document was submitted at the meeting and is attached as part of the permanent record.

Mr. Mann moved that we accept the Zoning Commission's modifications with the following amendments #1 as to the tree removal process and that process would go back to the Zoning Commission instead of the Zoning Inspector. The second that drainage remediation and approval for that would go to the Zoning Commission instead of the Zoning Inspector. The third would be for a period of 18 months all fees would be waived for these properties in order to go before the Zoning Commission to obtain the approval necessary for the removal of trees and remediation of the drainage. Motion fails lack of second.

Ms. Guzzo moved to modify the recommendation from the Zoning Commission to the recommendation of the applicants' amendments with the following change to the first paragraph under Requesting the Following Zoning Change/Admendments "The northern 35 feet of the current natural green space shall remain and the remainder of natural green space shall be designated to permanent green space". Motion fails lack of second.

Mr. Sybert moved that we reassign the southern 40 feet of the 9 lots to be designed as permanent green space leaving 35 feet on the northern boundary as natural green space. I would also like to adopt the Zoning Commission's recommendation for the only way these land owners can go into the natural green space is for correcting drainage and removal of trees with the arborist review. I would also like to have those stakes at the 35 feet for the designation of the green spaces. Motion fails lack of second.

Mr. Mann would like to continue this hearing until we can draft a resolution of Mr. Sybert's motion. The next meeting will be February 17, 2009 at 8:00 pm. Ms. Guzzo second and roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with 3-yes and 0-no votes.

DP 08-05 by Michael Fitzpatrick and Jeff Meacham

Mr. Mann moved to schedule the final hearing for DP #08-05 for 8:15 p.m. on February 17, 2009. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

ADMINISTRATIVE REVIEW #09-01 by Charles Driscoll on behalf of Nelson Farms Association

Mr. Sybert moved to designate Administrative Review #09-01 as Major. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo-no, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 2-yes and 1-no vote.

RESOLUTION 09-0202-09: Appointing Theresa Doodan to a five year term to the Zoning Commission

Ms. Guzzo moved to adopt Resolution #09-0202-09 Appointing Theresa Doodan to a five year term to the Zoning Commission. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

WORK SESSION:

Website Status

Hope to have recommendation on February 17, 2009

Smartside Product

Should be used as an acceptable product

Wedgewood Legal Opinion

Not heard back from Prosecutor's office

EXECUTIVE SESSION

Mr. Mann moved to go into executive session pursuant to ORC 121.22 (G) (1) to discuss personnel issues with Chief Bernans. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

The motion to return to public session was made by Mr. Mann and seconded by Mr. Sybert. The vote was Mr. Mann yes; Mr. Sybert yes; Mrs. Guzzo yes.

APPROVAL OF MINUTES:

Ms. Guzzo moved to amend the Administrative Review #07-07 of the Board of Trustees Meeting Minutes of January 20, 2009, for the motion to read as follows: "Ms. Guzzo made a motion per applicant's request to table this until February 17, 2009 at 8:30 pm and send this to the prosecutor's office." and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo-abstain, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no.

Ms. Guzzo moved to approve the amended Board of Trustees Meeting Minutes of January 20, 2009 and Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-abstain, and Mr. Sybert-yes. The motion passed with a 2-yes and 1-abstantion.

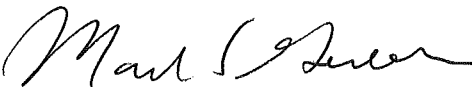
Ms. Guzzo moved to amend the Board of Trustees Minutes of January 26, 2009, to include the ORC 121.22 (G) (3) and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no.

Ms. Guzzo moved to approve the amended Board of Trustees Meeting Minutes of January 26, 2009 and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no.

Mr. Mann moved to approve the Board of Trustees Meeting Minutes of January 14, 2009. Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo-no, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 2-yes and 1-no.

ADJOURNED:

There being no further business Chairperson Mann adjourned the meeting at 11:27 p.m.



Mark S. Gerber, Fiscal Officer