

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
March 16, 2009**

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, March 16, 2009, at 7:30 p.m. at the Liberty Township Complex. Board Members present were Robert Mann and Peggy Guzzo. Curt Sybert was absent. Also present were Township Administrator Dave Anderson, Fiscal Officer Mark Gerber, and Chief Bernans. Others in attendance are listed on the attached sign-in sheet.

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

RESOLUTION: 09-0316-01: Approving “Then and Now” PO’s

Mr. Mann moved to adopt Resolution #09-0316-01 Approving “Then and Now” PO’s. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0316-02: Approving Bills – EFT’s and warrants

Mr. Mann moved to adopt Resolution #09-0316-02 Approving Bills – EFT’s and warrants. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

CITIZEN COMMENT: No Citizen Comment

Chief Bernans and Captain Piwtorak showed some of the new machines that were purchased through the grants that Captain Piwtorak has worked on so diligently.

RESOLUTION 09-0316-03: Authorize hire of Peter Canfield to full time firefighter

Mr. Mann moved to adopt Resolution #09-0316-03 Authorize hire of Peter Canfield as a full time firefighter. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0316-04: Approve plus rating system for Park employees for snowplowing duties

Mr. Mann moved to adopt Resolution #09-0316-04 Approving plus rating for Park employees for snowplowing duties. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0316-05: Accepting Chief Bernans retirement effective June 5, 2009

Chief Bernans said he would like to inform the board of trustees that he is announcing his retirement of 40 years in the fire service and 20 years of public service to the residents of Liberty Township and serving as their first full time fire chief. That on June 5, 2009, will be my last official day at work. In the next three months, he will continue to work hard along with the Township Administrator and the board for a smooth transition. He is very proud and honored to have been able to serve as the Fire Chief for such a great community. He is also excited about the department's future. The staff is looking forward to enhancing the department's ability to deliver the best service possible to our residents in both emergency and non-emergency situations. He would also like to thank the Board of trustees along with Mr. Anderson for their support of my recommendation to promote Assistance Chief Tim Jensen as fire Chief which he believes will provide long term stability to the Fire Department. He knows this will be the hardest 3 months for him and his family to see the days slip by of his career that he has loved so much for 40 years.

Mr. Mann moved to adopt Resolution #09-0316-05 Accepting Chief Bernans retirement effective June 5, 2009. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0316-06: Appointing Tim Jensen as Fire Chief effective June 6, 2009

Chief Bernans stated that Tim Jensen has been his right hand since the year 2000. Tim has moved up the ranks from fire fighter to unit shift leader, fire prevention, and starting our fire prevention full time. Tim has the background, skills, and knowledge. Chief Bernans thinks Tim will be an asset to the Township. Tim has the ability and his number one priority is to provide the best service possible to the citizens of this township and he knows that one of Tim's big goals is to see this fire department credited nationally as one of the best fire departments in the country. Chief Bernans thinks along with the staff, the officers, and firefighters of the union that they'll get the job done and that is something to be proud of. Most of all Chief Bernans really appreciates the Trustees taking the time to understand his position of how important he thought it was to promote from within to give all of our fire fighting officers the opportunity to be promoted from within as long as they do a good job. Chief Bernans really appreciated that from the trustees.

Ms. Guzzo moved to adopt Resolution #09-0316-06 Appointing Tim Jensen as Fire Chief effective June 6, 2009. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

Tim Jensen stated that he has been involved with the fire service since 1980 when he first walked in a volunteer fire department at the age of 17 and was issued an old pair of black gear and the old rubber boots. He stated that it has been quite an exciting ride since that time. Tim stated that this is really a fantastic opportunity for him. Tim has had quite a mentor here and with others that have preceded him. He stated that it is wonderful that he will be able to continue his career here with Liberty Township where he has spent the last 20 years. He looks forward to the opportunity with Mr. Anderson and with his fellow firefighters.

RESOLUTION 09-0316-07: Authorize Quint 322 Fire Emergency Repairs

Mr. Mann moved to adopt Resolution #09-0316-07 Authorizing Quint 322 Fire Emergency Repairs. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0316-08: Request To The State Auditor To Establish Special Revenue Funds for Monies Received From FEMA and DHS

Mr. Mann moved to adopt Resolution #09-0316-08 Request To The State Auditor To Establish Special Revenue Funds for Monies Received From FEMA and DHS. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0316-09: Approve Weed Control Officer Position Description

Ms. Guzzo moved to adopt Resolution #09-0316-09 Approve Weed Control Officer Position Description. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0316-10: Approval of a fee waiver request by Olentangy schools for a storage shed

A representative from Percheron Builders was present to answer any and all questions that the board or residents might have.

Fiscal Officer Mark Gerber reluctantly stated that when Liberty Township filed for exemption from property tax for property being owned by the township and the Olentangy School Board filed a protest letter stating the township should not receive exemption. Fair is fair. The school board should pay the fee.

Mr. Anderson stated that we could send a letter to the superintendant approving this but to also find out why the reciprocation is not there.

Mr. Mann moved to adopt Resolution #09-0316-10 Approval of a fee waiver request by Olentangy schools for a storage shed. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

ANNOUNCEMENT OF RESIDENTIAL COMMENT PERIOD REGARDING CURBSIDE RECYCLING USING A PUBLICLY BID TRASH CONTRACT

April 20, 2009, will be the next date and it will be posted on the website, in the newspapers, and sent to the HOA's.

Mr. Mann stated that he hopes that in the meantime there won't be any more surveys going out from trustees. He thinks that it creates a lot of confusion for the public and if we are going to do surveys that it ought to be done by the board with the input of staff and our recycling committee.

Ms. Guzzo stated if you are referring to Mr. Sybert's email or my email.

Mr. Mann stated that he has not seen one from Mr. Sybert that it would be yours Peggy.

Ms. Guzzo stated that her email is engaging her constituents from her email base to see where they stand on the issue. She stated she is going to continue to engage them. She does agree with Mr. Mann that if we could get something from the township officially for us to send out as well I think that would be great. She stated that in the meantime she is trying to get a consensus of what my constituents feel. When we had our public meeting it was obvious that this was an important issue that people had opinions on. She thinks we need to do whatever we can to engage the public and let them have a voice.

Mr. Mann stated that the public does have a voice and the public is ill served if each trustee creates their own survey slanted toward that trustee's position and outcome that they want. He did hear complaints that Ms. Guzzo's survey was very one sided and people thought that it was something approved by the board. Mr. Mann stated he can't imagine that a trustee would go out and start sending our surveys on their own on a subject that the board as a whole is discussing. These are the comments from the public.

Ms. Guzzo stated the comments that she has received from the public have been wonderful even those against it, for it, or neutral. They appreciate being engaged and she thinks the reader is pretty intelligent to know that when it is signed by one individual that they know that she is engaging them for information from herself to help her form a decision and to build a consensus.

Mr. Cirigliano stated he would like an unbiased synopsis of what it means to go with a single hauler verses continuing what we have. I did receive Mr. Sybert's and Ms. Guzzo's survey and they are both biased. I refuse to send either one to my homeowners.

Mr. Ralph Hogle 10729 Riverside Drive asked how you plan on contacting those residents that aren't in an HOA. For the record, he stated he is totally against one hauler.

Mr. Mann stated that it would be posted on the website and in the newspaper.

Woodland Glen Stop Signs

Mr. Drewry spoke for Woodland Glen stating that the streets are narrow and that there are no sidewalks. We would like stop signs at Lindell Lane and Woodland Hall Drive.

Fiscal Officer Mark Gerber stated that he is very much against the trustees overriding the county engineer because of liability issues that the board is incurring.

Ms. Guzzo stated that Mark is misunderstanding that opinion. It is saying if you want to avoid all possibilities then you follow the engineer.

Fiscal Officer Gerber stated let me quote "If the Delaware County Engineer has done his research and his judgment is that no stop sign is needed, the township should not place stop sign in that location." What is unclear about that Peggy?

Ms. Guzzo stated if you read the rest, it is under our discretion.

Mr. Mark Gerber stated that the last sentence says, "However, in order to clearly avoid the possibility of liability, the township should follow the decision of the engineer and not place the stop sign." Traffic calming procedures should be handled like what they did on Carriage Road. From a liability standpoint that is how this should be handled.

Ms. Guzzo stated that she would like to read this for the record. "Under 4511.07 in the revised code Local traffic regulations Section (A) 4511.01 to 4511.78, 4511.99 and 4513.01 to 4513.37 of the Revised Code do not prevent local authorities from carrying out the following activities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power.

(1) Regulating the stopping, standing, or parking of vehicles, trackless trolleys, and streetcars;

We clearly have that authority and have exercised that authority in the past and will continue to do that in the future for the health and safety of our community.

Mr. Mark Gerber stated that is not what the prosecutor said. The prosecutor says don't put the stop signs in otherwise you are liable. Mr. Gerber strongly recommends that the trustees pass a resolution to significantly increase the amount of bond coverage that they have because of the liability that he thinks will come back to the Trustees. They made the decision to put a stop sign in and case law supports not putting stop signs in. He stated the Trustees can't pass off the liability. He stated the trustees are only bonded for \$5,000.

Mr. Mann stated that we have a loop hole between the text books and the practicalities of what we have going on in our neighborhoods. The Engineer looks at these solely from a standpoint of traffic or if there has been sufficient number of accidents at a certain intersection then you can warrant traffic devices. They don't get into the issue of are there sidewalks, children on the streets, or are the roads narrow. Things that for the safety of families that live in the township he thinks we have to look at and there is this loop hole and in fact he sees this a lot

in his practice. He stated he does a lot of imminent domain work and has sat across the table from a lot ODOT Engineers who will sit there and tell you that my text book says that because you have so many feet from this intersection and that intersection it is perfectly safe. You should be ok with your access. You talk to farmers and they say there is no way he could put his wife or his kids on a tractor and tell them they have to come out at this intersection to get across the street. That is the kind of the situation we are in here. The engineers' textbook may say yes stop signs shouldn't go there but there are practical reasons why it should. The opinion does state that in order to avoid any potential liability our answer should know the engineer's recommendation. It also does say that the township's decision to place a stop sign even when the engineer does not suggest the placement would most likely fall into the discretion allowed with one of the various citations listed. Mr. Mann feels there will always be a potential of exposure by not following the engineer. Mr. Mann believes with what he is reading it would fall within our discretion to allow a stop sign in there. We will go ahead and send your request to the engineer for assistance and then we'll come back and take a look at this. Mr. Mann thinks we should do what is in the best interest of our families that live here.

Ms. Guzzo moved to request engineering assistance regarding Woodland Glen stop sign requests. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

ADMINISTRATIVE REVIEW 09-02 by Donald Kenney for Kinsale Village LLC requesting to amend the PR development plan for Golf Village North, Sub Area A / Kinsale Village to relocate one of its two approved models and its signage; and requesting future flexibility, without further Administrative Review applications and hearings, to be able to relocate one or both model homes and accompanying signage within this condominium development as models are sold.

Ms. Guzzo made a motion to designate this as a minor review. The motion was seconded by Mr. Mann and the roll call vote: Ms Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

FINAL PLAT approval is requested to allow the zoning inspector to sign the final plat Mylar for the Revised Golf Village North Commercial subdivision. It is in compliance with the approved Golf Village North planned commercial development plan.

Mr. Mann made a motion to approve the final Mylar plat for the revised Golf Village North Commercial Subdivision subject to the Zoning Inspector's determination that it is in compliance with the approved Golf Village North planned commercial development plan including that the three items pointed out by the Zoning Inspector are included and brought into compliance on the Mylar plat. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with a 2-yes and 0-no vote.

WORK SESSION

PARKS USAGE POLICY FOR 5K RACES UPDATE AND PARK FEE SCHEDULE

Ms. Guzzo moved to adjust our fee schedule for the use of Liberty Park as follows for charitable nonprofit C(3) Corporations and organizations the fee will be \$150.00 and for other nonprofit but non C(3) the fee will be \$250.00. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with 2-yes and 0-no vote.

COMPENSATION SYSTEM

Will be coming in the weeks ahead

PERSONNEL MANUAL

Final reviews will be coming soon.

RETURN TO WORK POLICY APPROVAL

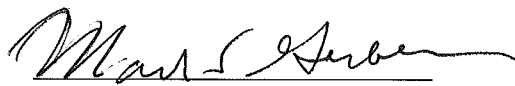
Ms. Guzzo made a motion to submit the Liberty Township Return To Work Policy to the prosecutor's office for review and approval. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with 2-yes and 0-no vote.

Mr. Anderson stated that Delaware County has slated March as Multiple Sclerosis Awareness Month.

Mr. Mann made a motion to adopt Resolution 09-0316-11 as Multiple Sclerosis Awareness month in Liberty Township. The motion was seconded by Ms. Guzzo and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-absent. The motion passed with 2-yes and 0-no vote.

ADJOURNED:

There being no further business Chairperson Mann adjourned the meeting at 9:20 p.m.


Mark S. Gerber, Fiscal Officer