

**LIBERTY TOWNSHIP TRUSTEE  
RECORD OF PROCEEDINGS  
April 19, 2010**

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 recording. Copies of this record are available by request at the Township Government Office, 10104 Brewster Lane, Suite 125, Powell, Ohio.

Fire Union Local 3754 President Brian Niemet presented a Grievance claiming the member contribution for health care was raised unlawfully. As the contract states now in Article 25, Section 4 under member contribution single members will pay \$15 per month, family and other coverage greater than single will pay \$25 per month. Resolution #10-0315-03 changes the employee health care program to have the contributions at \$25, \$35, and \$45 and this started April 1. The Grievance was filed 14 days after the Resolution was signed. We are following the grievance procedure starting with the Union, advancing to the Lieutenant, the fire Chief and now the Trustees. As a result, we would like the current contributions to remain the same and any money collected above the \$15 and \$25 is returned to members until something can be signed off on for negotiations.

Attorney Paynter stated since this is the first grievance of this kind, this meeting is set up for clarification. This is an issue/clarification meeting. We can take this under advisement for 14 days before we issue a written response to the grievance.

Trustee Sybert stated on behalf of the board as the charged party with this violation we would like to meet with our counsel and discuss our options and follow up with our decision.

Mr. Niemet stated when the board finalizes their decision the Union will then present that decision to their counsel.

**MOTION: Enter into Executive Session at 6:33 p.m.**

Mr. Sybert made a motion to enter into Executive Session pursuant to ORC 121.22 (G)(1) the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual and ORC 121.22 (G)(4) preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. Ms. Carducci seconded the motion and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with 3-yes and 0-no vote.

**MOTION: Reconvene – Out of Executive Session at 8:20 p.m.**

Mr. Sybert made a motion to reconvene out of Executive Session and Ms. Carducci seconded the motion and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

## **REGULAR MEETING PROCEEDINGS SUMMARY:**

The Trustees of Liberty Township met in regular session Monday, April 19, 2010, at 8:20 p.m. at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. Board Members present were Mary Carducci, Curt Sybert, and Bob Mann. Also present were Township Administrator, David Anderson, Fiscal Officer, Mark Gerber, Chief, Tim Jensen, and Attorney, Craig Paynter. Others in attendance are listed on the attached sign-in sheet.

### **APPROVAL OF MINUTES:**

Mr. Sybert made a motion to approve the minutes of April 5, 2010. The motion was seconded by Ms. Carducci and roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no.

Township Administrator David Anderson stated Resolution #10-0329-03 (Special Meeting) consisted on a one page Resolution and a multi-page Resolution. The multi-page Resolution was inadvertently signed as we were awaiting verification from our legal counsel.

Trustee Sybert stated the Fiscal Office has the authority to destroy the multi-page Resolution that was inadvertently signed.

### **RESOLUTION: 10-0419-01: Accepting "Then and Now" PO's**

Mr. Sybert moved to approve Resolution #10-0419-01 Approving "Then and Now" PO's. The motion was seconded by Mr. Mann and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

### **RESOLUTION 10-0419-02: Accepting Bills and Warrants**

Mr. Sybert moved to approve Resolution #10-0419-02 Accepting Bill, Warrants, and Charges. The motion was seconded by Mr. Mann and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

Fiscal Officer, Mark Gerber reminded the Trustees of the audit meeting scheduled with the State Auditor at 10104 Brewster Lane scheduled for Wednesday, April 21, 2010, at 8:30 am.

### **CITIZEN COMMENT:**

Firefighter Larry Ramey presented the Board with a check for \$1,000.00. Firefighter Mickey Smith applied for a Grant for \$675,502.00. This grant will enable the fire department equipment to be used in correlation with the traffic signals to make lights at intersections change to give a quicker response time. This grant will also provide workout equipment for both stations. Part of this grant required the Township to pay 10% of that grant. Therefore, the Local 3754 would like to present the Board with a check for \$1000 to show their appreciation for the Board's dedication to believe in the fire department to use this grant to its fullest extent.

**NEW BUSINESS:**

**RESOLUTION 10-0419-03: Accept Zoning Commission Minutes and Sign Code Recommended Changes**

Mr. Mann moved to approve Resolution #10-0419-03 Accept Zoning Commission Minutes and Sign Code Recommended Changes. The date for the meeting in the last paragraph should be changed from May 5, 2009 to May 5, 2010. The motion was seconded by Ms. Carducci and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 10-0419-04: Authorize Fire Department Purchase of EMS Antidote Kits**

Mr. Mann moved to approve Resolution #10-0419-04 Authorize Fire Department Purchase of EMS Antidote Kits. The motion was seconded by Ms. Carducci and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

The Powell area Kiwanis has voted Captain Piwtorak the Public Employee of the Year Award based on recommendations and an application submitted by Chief Jensen. Chief is waiting for the release from the Kiwanis that will recognize Captain Piwtorak for his services and his work on the Special Needs Program the Township has supported.

**RESOLUTION 10-0419-05: Authorize Acceptance of FY 09 Fire Grant**

Mr. Sybert moved to approve Resolution #10-0419-05 Authorize Acceptance of FY 09 Fire Grant by adding this "\$675,502.00 and authorize the Fiscal Officer to transfer from the fire fund \$67,550.00 to the Fire Capital Reserve Fund 4901" to the end of the NOW, THEREFORE paragraph. The motion was seconded by Mr. Carducci and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 10-0419-06: Approve the Daughters of the American Revolution Request**

Ms. Carducci moved to approve Resolution #10-0419-06 Approve the Daughters of the American Revolution Request. The motion was seconded by Mr. Mann and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 10-0419-07: Amend Park Department Equipment Purchase**

Mr. Sybert moved to approve Resolution 10-0419-07 Amend Park Department Equipment Purchase. The motion was seconded by Ms. Carducci and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 10-0419-08: Authorize Reinvestment of GovDeals proceeds for Road Department Equipment**

Ms. Carducci moved to approve Resolution 10-0419-08 Authorize Reinvestment of GovDeals proceeds for Road Department Equipment. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**Discuss South Liberty Park Development Plans**

Mr. Anderson stated the Swift Grant the Township applied for has been scored and the EPA has stated it did score well and should be competitive. However, there is no guarantee at this time. In conjunction with the Swift Grant, there is a similar 319 Grant the Township is looking to apply. This Grant would be used in developing South Liberty Park. Mr. Anderson would like to accept a few invited quotes for the basic engineering of that Park. In order to receive the Grant, the Township would need to have some design costs done eventually to receive the Grant. We could make that contingent on receiving the Grant. We will need to decide on a name so there is no confusion with Liberty Park. The Board suggested getting quotes from local business and vendors we haven't had issues with before.

**Discuss Bike Path Master Plan updates and citizen input**

There was a master plan drawn in 2007. Since that time we have added more neighborhoods. Mr. Anderson stated he would like to have planning groups with citizens by putting out some boards and inviting citizens during a Trustee Meeting in the next month or two having an open house forum. Also meet with Preservation Parks who is doing work with MORPC and bike trails. This would be to look at what upgrades and/or additions to be added.

**Discuss Fire Stations Landscaping Costs**

Staff has some ideas on how to reduce the costs of maintaining the two stations. Last year there were two landscaping companies, one company for each station. Please see the attached worksheet projecting the costs from vendors and the road department.

Trustee Sybert stated that we should recognize Mr. Polisenio for his years of service and dedication to the grounds at Station 321. He provided many trees and landscaping services to the township.

The Board recommended that the general fund be used for Station 321 but the fire fund should be used for Station 322.


Trustee Mann asked that we look at the traffic circulation for Attucks Drive. I think that barring the left hand turn makes for difficult travels. McDonalds traffics needs to drive through BW3 parking lot.

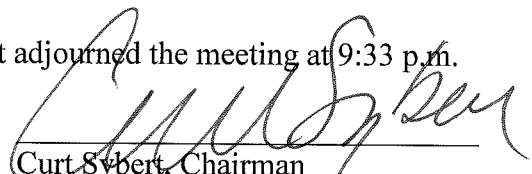
Trustee Sybert moved to have Dave Anderson request Engineering Assistance with the traffic circulation on Attucks Drive regarding McDonalds. The motion was seconded by Mr. Sybert and the roll call vote: Ms. Carducci-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

Trustee Mann asked Dave Anderson to check on the large pothole in the Kroger's parking lot near the bank and Wendy's.

**ADJOURNED:**

There being no further business Chairperson Sybert adjourned the meeting at 9:33 p.m.

  
Mark S. Gerber, Fiscal Officer

  
Curt Sybert, Chairman  
Board of Trustees