

**LIBERTY TOWNSHIP TRUSTEE  
RECORD OF PROCEEDINGS  
May 18, 2009**

**MOTION: Enter into Executive Session at 7:00 pm**

Mr. Mann made a motion to enter into Executive Session pursuant 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 and Mr. Sybert seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes, Mr. Sybert – yes. The motion passed with a 3-yes and 0-no vote.

**MOTION: Reconvene – Out of Executive Session**

Mr. Mann made a motion to reconvene out of Executive Session and Mr. Sybert 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 vote.

**MOTION: Enter into Executive Session**

Mr. Mann made a motion to enter into Executive Session pursuant to ORC 121.22 (G) (1) to consider 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. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo-yes, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with 3-yes and 0-no vote.

**MOTION: Reconvene – Out of Executive Session**

Mr. Mann made a motion to reconvene out of Executive Session and Mr. Sybert 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 vote.

**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 Wednesday, May 18, 2009, at 7:30 p.m. at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. Board Members present were Robert Mann, Peggy Guzzo, and Curt Sybert. Also present were Township Administrator, David Anderson, and Assistant Fiscal Officer M Michela. 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: 09-0518-01: Approving “Then and Now” PO’s**

Mr. Sybert moved to adopt Resolution #09-0518-01 Approving “Then and Now” PO’s. The motion was seconded by Mr. Mann 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 09-0518-02: Approving Bills – EFT’s and warrants**

Mr. Sybert moved to adopt Resolution #09-0518-02 Approving Bills – EFT’s and warrants. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-abstain, Mr. Mann-yes, and Mr. Sybert-yes. The motion passed with a 2-yes and 1-abstention vote.

Ms. Guzzo did not sign any of the checks or the EFT form to release payment to the vendors.

**RESOLUTION 09-0518-03: Approve Fire Department Fleet Maintenance Blanket Purchase Order**

Mr. Mann moved to adopt Resolution #09-0518-03 Approve Fire Department Fleet Maintenance Blanket Purchase Order. 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 COMMENTS:**

Jim Cirigliano, 10363 Churchill Dr., stated he was recently invited to a citizen meeting with ODOT regarding State Route 315 between Jewett and Carriage. The citizen’s group seemed to be in favor of a round-a-bout. He also received information from other citizens that weren’t in favor of the round-a-bout. He asked if the Trustees have any say in the building or not building of the round-a-bout and what is the opinion of the trustees.

Mr. Sybert stated that he thinks it is in the hands of the County Engineer and the County Commissioners. He stated that he could make a couple of calls and research this more if Mr. Cirigliano wanted him.

Ms. Guzzo stated that she is a proponent of round-a-bouts but feels that ODNR will be involved along with the State of Ohio.

Mr. Mann stated that the Trustees have no say in the matter as it is a state highway.

John Schuette, 5192 Seldom Seen Rd., and has lived here for 73 years with 6 generations of family here. He has been involved with township government. He is concerned with the future of Liberty Township. He is concerned with the annexation of businesses to the Village of Powell. He stated that Liberty Township isn’t business friendly. He would like to see the Trustees return the commercial inspections from Powell to Delaware County Inspectors.

**RESOLUTION 09-0518-04: Authorize Township Administrator to execute the Del-Co Water Company Right-of-Way Easement Document**

Ms. Guzzo moved to adopt Resolution #09-0518-04 Authorize Township Administrator to execute the Del-Co Water Company Right-of-Way Easement Document. 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 09-0518-05: Approving Stimulus Funds for use on Orange Road Paving Project**

Mr. Sybert moved to adopt Resolution #09-0518-05 Approving Stimulus Funds for use on Orange Road Paving Project. 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.

**ZONING BUSINESS:**

**8:00 p.m. Trustees to consider the following extension request: Donald R. Kenney on behalf of Golf Village North, LLC and Jeffrey J. Bieber on behalf of The Kroger Co.** request a 2-month extension of the deadline by which to obtain a zoning permit for Kroger in Golf Village North. According to application DP 08-10, they were to have obtained their zoning permit by June 1, 2009. They are requesting a two-month extension of that deadline to August 1, 2009. Per Section 14.08 I of the zoning code, an extension can be granted by the Trustees without public hearing, provided that, after a public announcement at a prior meeting is made the Trustees find that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plan and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

Mr. Mann moved to approve a two month extension. 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 3-yes and 0-no vote.

**ADMINISTRATIVE REVIEW 09-04 by Matthew and Brenda Lombardi** requesting approval to install an in-ground swimming pool, a wood and composite deck surround, and a spaced 4'6" dog-eared, pressure treated fence with a self-closing gate on their property at 5485 Berwanger Drive. **The Trustees need to designate this application as either minor or major, and if minor then they need to set a time and date for the hearing.**

Mr. Sybert moved to designate this major. 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 3-yes and 0-no vote.

**RESOLUTION 09-0518-06: Authorize purchase of three (3) computers for Fire Department**

Ms. Guzzo moved to adopt Resolution #09-0518-06 Authorize purchase of three (3) computers for Fire Department. 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 09-0518-07: Modifying the prior request that the Delaware County Commissioners delegate enforcement of the conservation easements in River Run Subdivision to the Trustees**

Mr. Mann moved to adopt Resolution #09-0518-07 Modifying the prior request that the Delaware County Commissioners delegate enforcement of the conservation easements in River Run Subdivision to the Trustees. 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**

Steve Covert, 2383 Dauer Ct., Woodland Glen Subdivision, we met as a board and voted that they would like to see a single recycler. Then we sent it out to all of our people in the subdivision.

Larry Mollmann, 694 Covered Bridge Dr., which is Delaware Township but part of the Dornoch Home Owners Association. We would know if this service is contracted if it would be possible for adding of adjoining areas.

Kevin Parsons, 3130 Bean Oller Rd., he understands the developments having a single hauler but where he lives he doesn't have an association and that is why he lives there.

Dottie Haggard, 2361 Carriage Rd., if a hauler is brought in and I have to switch and use the hauler of the Trustees choice that is not my choice and that is not freedom.

Residential comment period regarding option to implement curbside recycling using a publicly bid trash contract approach will be tabled until June 15, 2009, and at that time the Trustees will make a final decision.

**WORK SESSION – Updates**

- Approval of Personnel Manual
  - Put on Agenda for June 1, 2009
  - Have Craig Paynter and any department heads bring up their issues within the next few days.

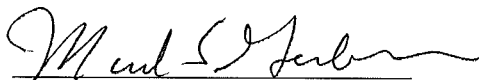
- Scheduling
  - May 25<sup>th</sup> Powell Memorial Day Parade
  - June 1<sup>st</sup> Official Swearing in Ceremony of Chief Jensen at 6:30 p.m.
    - Would like to take five minutes to formally swear in Pete Canfield
- Auditor of the State's position on cell phone policy
- Review citizen comments draft document
  - Citizen Participation
    - Change from three minutes to five minutes
  - Public Hearing
    - Case/issue
    - Add (Optional) after comments
    - Citizen comments are to be directed to the board chair and not to other members of the public

**APPROVAL OF MINUTES:**

Mr. Mann moved to approve the Board of Trustees Meeting Minutes of May 6, 2009, and Mr. Sybert 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 vote.

**ADJOURNED:**

There being no further business Chairperson Mann adjourned the meeting at 9:30 p.m.

  
Mark S. Gerber, Fiscal Officer