

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
July 20, 2009**

PROCEEDINGS SUMMARY:

The Trustees of Liberty Township met in Executive Session Monday, July 20, 2009, at 7:00 p.m., at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. In attendance were Chairperson Trustee Robert Mann, Trustee Sybert, Trustee Guzzo, Township Administrator David Anderson, Attorney Craig Paynter, and Steve Kolwicz.

MOTION: Enter into Executive Session at 7:00 p.m.

Mr. Mann made a motion to enter into Executive Session pursuant to ORC 121.22 (G) (3) to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action, ORC 121.22 (G) (2) to consider the purchase of property for public purposes, or for the sale of property at competitive bidding, and 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 at 8:02 p.m.

Mr. Sybert made a motion to reconvene out of Executive Session and Ms. Guzzo 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 Monday, July 20, 2009, at 8:07 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: 09-0720-01: Approving “Then and Now” PO’s

Mr. Mann moved to adopt Resolution #09-0720-01 Approving “Then and Now” PO’s. The motion was seconded by Mr. Sybert 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 09-0720-02: Approving Bills – EFT’s and warrants

Ms. Guzzo moved to adopt Resolution #09-0720-02 Approving Bills – EFT’s and warrants except warrant number 24668. 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 09-0720-02: Approving Bills – EFT’s and warrants - Number 24668

Mr. Mann moved to adopt Resolution #09-0720-02 Approving Bills – EFT’s and warrants - warrant number 24668. The motion was seconded by Mr. Sybert 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.

CITIZEN COMMENT:

Mr. John Schuette, 5192 Seldom Seen Road, stated his concern is the mess at Havener Park. He went through the agreement that the township had with POD Design and he found 18 categories where POD Design were deficient in upholding their contract. If the Architect would have completed the work properly Havener Park wouldn’t be in the mess it is today. Mr. Anderson shared with him the boring test results from GEO Tech and after seeing those test results he would have never imagined they would have been this bad. What is the Township going to do about this and when? Mr. Schuette thinks that the Township should write a letter and if that doesn’t happen then go to the bonding company to get this fixed.

Trustee Mann stated the Township has been looking with our attorney’s and the engineer consultant and we are following up with the contractor on how they are going to get this fixed. It is still in the process of having final writings put together and having us look at them and see if we agree and more importantly whether our engineering consultant agrees that the proposed fixes are sufficient. Some of the fixes are outlined in the recommendation section of the report you received. There are some things the board thinks needs clarifying in terms of what the contractor is going to do to fix this. He agreed that it is a problem and we are very concerned.

Trustee Sybert stated before the overlay will be applied there will be a fix of the areas that have the deficiencies in the base. We are all trying to get this project back on track so that we can open it in the fall. As a result this board gave some guidance to the lawyer and to the Architect on July 20, 2009, to come up with what we think will be a good fix for the project.

Trustee Guzzo stated we are not going to just rely on the contractor and the Architect we are going to have the professional engineers to tell us how to remedy the situation. That is the guidance we have out there.

RESOLUTION 09-0720-03: Authorize removal of a radio tower

Mr. Mann moved to adopt Resolution #09-0720-03 Authorize removal of a radio tower. 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 09-0720-04: Accept state bid for installation of guardrail on Taggart Road

Mr. Mann moved to adopt Resolution #09-0720-04 Accept state bid for installation of guardrail on Taggart Road. 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 09-0720-05: Request engineering assistance related to stop sign in Wedgewood Place

Mr. Mann moved to adopt Resolution #09-0720-05 Request engineering assistance related to stop sign in Wedgewood Place by striking the first sentence "Request engineering assistance related to stop sign in Wedgewood Place". 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 09-0720-05: Request engineering assistance related to stop sign in Wedgewood Place

Ms. Guzzo moved to adopt Resolution #09-0720-05 Request engineering assistance related to stop sign in Wedgewood Place as amended. 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 09-0720-06: Accept Part-time Zoning Secretary letter of Resignation

Mr. Mann moved to adopt Resolution #09-0720-06 Accept part-time Zoning Secretary letter of Resignation. 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 09-0720-07: Authorize to advertise for Part-time Zoning Secretary position

Mr. Mann moved to adopt Resolution #09-0720-07 Authorize to advertise for part-time Zoning Secretary position. 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 09-0720-08: Authorize govdeals.com contract for auction

Mr. Sybert moved to adopt Resolution #09-0720-08 Authorize govdeals.com contract for auction. 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 09-0720-09: Authorize t-shirt sales for upcoming cross country event at Liberty Park

Ms. Guzzo moved to adopt Resolution #09-0720-09 Authorize t-shirt sales for upcoming cross country event at Liberty Park. 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 09-0720-10: Authorize military activation to extended active duty

Ms. Guzzo moved to adopt Resolution #09-0720-10 Authorize military activation to extended active duty as amended by adding “consisting of employer paid health care benefits at current levels” after existing in the last sentence. 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 09-0720-11: Review Board of Zoning Appeals applications and reappoint Philip Fry

Ms. Guzzo moved to adopt Resolution #09-0720-11 Review Board of Zoning Appeals applications and reappoint Philip Fry. 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 09-0720-12: Authorize Retainer Agreement

Mr. Sybert moved to adopt Resolution #09-0720-12 Authorize Retainer Agreement. 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 09-0720-13: Approve “no hearing” in relation to a liquor license transfer

Mr. Sybert moved to adopt Resolution #09-0720-13 Approve “no hearing” in relation to a liquor license transfer. 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:

The following new Administrative Review application needs to be designated as major or minor by the Trustees. If designated as minor, the Trustees would need to schedule a hearing date and time. Administrative Review #09-06 submitted by Donald R. Kenney on behalf of Kinsale Village LLC and Golf Village North LLC requesting extensions of phasing completion dates for Kinsale Village condominiums, and for start and completion dates for The Heathers condominiums in Golf Village North.

Mr. Mann moved to designate Administrative Review #09-06 as a minor hearing this administrative Review on Monday, August 17, 2009, at 8:15 pm. The motion was seconded by Mr. Sybert and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with 2-yes and 0-no vote.


WORK SESSION – Updates

APPROVAL OF MINUTES:

Mr. Sybert moved to approve the Board of Trustees Meeting Minutes of July 6, 2009. Mr. Mann seconded the motion and the roll call vote: 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 9:17 p.m.


Mark S. Gerber, Fiscal Officer