

**LIBERTY TOWNSHIP TRUSTEE  
RECORD OF PROCEEDINGS  
August 17, 2009**

**PROCEEDINGS SUMMARY:**

The Trustees of Liberty Township met in Executive Session Monday, August 17, 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 Curt Sybert, Township Administrator David Anderson, Township Fiscal Officer Mark Gerber, Attorney Craig Paynter, and Attorney Bill Loveland. Trustee Peggy Guzzo was absent.

**MOTION: Enter into Executive Session at 6:30 p.m.**

Mr. Sybert 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. Mr. Mann seconded the motion and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with 2-yes and 0-no vote.

**MOTION: Reconvene – Out of Executive Session at 7:40 p.m.**

Mr. Sybert made a motion to reconvene out of Executive Session and Mr. Mann seconded the motion and the roll call vote: Mr. Mann-yes Mr. Sybert-yes. The motion passed with a 2-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, August 17, 2009, at 7:50 p.m. at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. Board Members present were Robert Mann and Curt Sybert. Trustee Guzzo arrived at 8:20 pm. Also present were Township Administrator David Anderson. Others in attendance are listed on the attached sign-in sheet.

Chairperson Robert Mann called the meeting to order with the Pledge of Allegiance. Trustee Mann also announced that the Trustees would meet in special executive session on Tuesday, August 18, 2009, 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. Trustee Guzzo was unable to attend the one prior to the meeting on August 17, 2009.

**RESOLUTION: 09-0817-01: Approving “Then and Now” PO’s**

Mr. Sybert moved to adopt Resolution #09-0817-01 Approving “Then and Now” PO’s. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and -0 no vote.

**RESOLUTION 09-0817-02: Approving Bills – EFT’s and warrants**

Mr. Sybert moved to adopt Resolution #09-0817-02 Approving Bills – EFT’s and warrants. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

**RESOLUTION 09-0817-10: Authorizing the refinancing of the Havener Park notes**

Mr. Sybert moved to adopt Resolution #09-0817-10 Authorizing the refinancing of the Havener Park notes. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

**CITIZEN COMMENT:**

Mr. John Schuette, 5192 Seldom Seen Road, stated that two weeks ago he put in a public records request and hasn’t received any of that information. He stated that he read in the paper where a change order for pavement at Havener Park was being asked for and why wouldn’t there be an addendum instead of the change order. In his public records request he asked how much the township had paid to POD Design. Mr. Schuette also stated that if POD Design had done what their contract said the Township wouldn’t be fixing their mistakes.

Mr. David Anderson stated that he has a draft of the information requested in the public records request for Mr. Schuette. The money the township spent in legal expenses through July is \$144,921.94. Contract for design fees paid in 2007 was in the amount of \$114,686.75. Mr. Anderson stated that items three and four on Mr. Schuette’s records request do not exist yet.

Trustee Sybert stated that everything we have done in regard to Havener Park has been done on the advice of our attorney’s. We do appreciate that Mr. Schuette has been able to highlight some of the problems that we have with this project and getting them rectified.

Trustee Mann stated that construction projects get paid on a draw basis. There is not a contractor that does all the work and then asks to be paid at the end of a project. We paid in accordance with our obligations under the contract. There are problems with the work that was done and we are addressing them through engineering firms and our legal counsel.

Mr. Jim Cirigliano, 10363 Churchill Drive, stated he was at the last meeting to discuss the entry way lighting for Calumet Farm Subdivision. He stated he was at the meeting to see what the conditions were since the property had already been zoned. Mr. Cirigliano stated he received a response from Holly Foust. Also, in the meantime, he found in the Zoning Code Section 21.05 C 2 that states all low voltage lighting rated 24 volts or less and holiday lighting should be exempt from the requirements of this section. Mr. Cirigliano stated that since their

plan is looking at a 10 volt system we feel we are exempt and we are going ahead with our lighting as we presented to the board at the last meeting.

Mr. Tom Manning stated that he would like a work session for 10350 Olentangy River Road which is in the middle of Loch Lomond. This would be for a possible daycare and charter school. It is currently zoned office use only.

Trustee Sybert suggested that Trustee Mann, Zoning Representatives, and Lieutenant Mirise meet with him.

**RESOLUTION 09-0817-03: Authorize hiring of four (4) part-time firefighters**

Mr. Mann moved to adopt Resolution #09-0817-03 Authorize hiring of four (4) part-time firefighters. 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 09-0817-04: Authorize purchase of thermal imaging cameras for Fire Dept.**

Firefighter Scott Simmons spoke in regard to the thermal imaging cameras and showed the board and audience how they are used.

Mr. Mann moved to adopt Resolution #09-0817-04 Authorize purchase of thermal imaging cameras for Fire Dept. 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 09-0817-05: Authorize purchase of educational material for Fire Prevention Open House Week**

Mr. Mann moved to adopt Resolution #09-0817-05 Authorize purchase of educational material for Fire Prevention Open House Week. 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.

**ZONING BUSINESS**

**Administrative Review #09-06 filed by Donald R. Kenney on behalf of Kinsale Village LLC and Golf Village North LLC and Golf Village North LLC requesting extension of completion dates for 3 phases of development of Kinsale Village condominiums (Subarea A) in Golf Village North as follows:**

Extend the completion date of Phase 2 from October 2009 to October 2010;  
Extend the completion date of Phase 3 from August 2010 to August 2011;  
Extend the completion date of Phase 4 from July 2011 to July 2012.

**Also requesting extension of start and completion dates for development of The Heathers condominiums (Subarea B) in Golf Village North as follows:**

Extend the start date from December 31, 2009 to December 31, 2010  
Extend the completion date from December 31, 2013 to December 31, 2014.

Mr. Mann moved to approve the requested extension for Administrative Review #09-06 for Kinsale Village Condominiums and The Heathers Condominiums. 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 09-0817-06: Authorize purchase of crack sealer for Road Dept**

Mr. Sybert moved to adopt Resolution #09-0817-06 Authorize purchase of crack sealer for Road 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 09-0817-07: Authorize hire of four (4) part-time Park employees**

Ms. Guzzo moved to adopt Resolution #09-0817-07 Authorize hire of four (4) part-time Park employees. 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 09-0817-08: Accept donation for equipment shed for South Liberty Park and grant usage rights to OYAA**

Ms. Guzzo moved to adopt Resolution #09-0817-08 Accept donation for equipment shed for South Liberty Park and grant usage rights to OYAA. The motion was seconded by Mr. Mann and the roll call vote: Ms. Guzzo-yes, Mr. Mann, and Mr. Sybert-yes. The motion passed with a 3-yes and 0-no vote.

**RESOLUTION 09-0817-09: Authorize installation of "No Parking" sign at 4314 Weybridge Court in Braemar Subdivision**

Ms. Guzzo moved to send Resolution #09-0817-09 Authorize installation of "No Parking" sign at 4314 Weybridge Court in Braemar Subdivision to the prosecutor's office for review. 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.

**WORK SESSION**

Delaware County Building Inspection Services

Mr. Chad Antel, Fred Fowler, and Joe Scherler from Delaware County Building Inspection Services came to speak about the services they provide, explain how the county provides those services, and answer any questions that Liberty Township might have regarding those services.

Longevity Bonus/Personnel Policies

Mr. Anderson asked Holly Foust to present this item regarding past practice and the current practice of this benefit. We do not have this in the manual because of this confusion.

**Bainbridge Mills HOA**

Trustee Guzzo moved to approve the request for stop signs and cross walks at Bainbridge Mills Drive and Sable Court. The motion was seconded by Mr. Sybert and the roll call vote:

Ms. Guzzo-yes, Mr. Mann-abstain, and Mr. Sybert-yes. The motion passed with 2-yes and 1-abstention.

Trustee Guzzo received a call from teachers and parents regarding the activities at Home Road and Sawmill Parkway with the athletes and the fact that there aren't any crosswalks. Trustee Guzzo thought that they could put in a request to the engineer and also partner with Olentangy Schools on this request.

Trustee Sybert suggested that Andy Kerr would be the one to get in touch with.

Trustee Guzzo moved to request engineering assistance from the county engineer that they install crosswalks at Sawmill Parkway and Home Road and also direct Mr. Anderson to reach out to Olentangy Schools for their support as well. 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 at 9:35 p.m.**

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 at 10:10 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.

**APPROVAL OF MINUTES:**

Ms. Guzzo moved to approve the Board of Trustees Meeting Minutes of August 3, 2009. 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-abstention vote.

**ADJOURNED:**

There being no further business Chairperson Mann adjourned the meeting at 10:15 p.m.



Mark S. Gerber, Fiscal Officer