

**LIBERTY TOWNSHIP TRUSTEE  
RECORD OF PROCEEDINGS  
OCTOBER 20, 2008**

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.

**PROCEEDINGS SUMMARY:**

The Trustees of Liberty Township met in regular session Monday, October 20, 2008, at 7:30 p.m. at the Liberty Township Complex. Trustees Mann and Guzzo were present, Trustee Sybert was absent. See attached sign-in sheets for others in attendance.

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

**CITIZEN COMMENT:**

Jim Cirigliano, 10363 Churchill Drive, said July 2006 the Trustees passed a Resolution 06-203 informing the Delaware County Engineers Office that the Liberty Township Trustees no longer require the connecting road be made between St. Rt. 315 - Manning Parkway - Loch Lomond Drive. He had asked Mr. Anderson to provide him a copy of the resolution, which he did, along with the letter sent to Mr. Bauserman informing him of the Resolution and the reply. As far as he could tell Mr. Anderson could not find any official notice to Mr. Bauserman, so Mr. Anderson took it upon himself to write the letter and he appreciated that he did that. He said this was a very important issue that the Homeowners Association had worked several years on and it apparently fell through the cracks and he was very disappointed. Assistant Fiscal Officer M Michela advised there was correspondence going back and forth between Liberty Township and Mr. Bauserman's office, but has yet to find the actual letter, but she was still looking for it.

**RESOLUTION 08-1020-01: Extension of Print Service Agreement**

Ms. Guzzo moved to approve Resolution 08-1020-01 as presented and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann - yes. The motion passed with a 2-yes and 0-no vote.

**RESOLUTION 08-1020-02: Endorsement of Trustees for Preservation Parks Levy**

Ms. Guzzo moved to approve Resolution 08-1020-02 as presented, and Mr. Mann seconded the motion and the roll call vote. Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**RESOLUTION 08-1020-03: Appoint P-T Board Secretary/Clerk Kathy Melvin**

Ms. Guzzo moved to approve Resolution 08-1020-03 with the following insertions: Page 2: "Internal Revenue Regulations". On Page 4: "12. Subject to

approval of Prosecutors Office as to enforceability and appropriateness of wording". Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**RESOLUTION 08-1020-05: Appropriation adjustment fund 1000 Depts. 120, 130, 760**

Ms. Guzzo moved to approve Resolution 08-1020-05 as presented and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**RESOLUTION 08-1020-04: Accepting Then and Now Purchase Orders**

Mr. Mann moved to approve Resolution 08-1020-04 as presented and Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**MOTION: ADMIN. REVIEW #08-08 – DESIGNATED MINOR**

Mr. Mann moved to designate Administrative Review 08-08 as Minor to be heard at the next Board of Trustees Meeting, Wednesday, November 5, 2008 at 8:00 p.m. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**MOTION: LTZ #05-03 Ken Manning Rezone PC to PERRC – Final Hearing**

Ken Manning on behalf of Loch Lomond Farm Company/Cromwell Corp., requesting to rezone 2.82 acres from PC to PERRC and 5.226 acres from PC to PERRC for an assisted living and nursing home facility proposed at 10410 Olentangy River Road. The application was amended to request approval for a 50-unit nursing home facility. On September 17, 2008, the Zoning Commission unanimously voted to recommend approval (including submitted revisions) of the PERRC rezoning for a 50 unit nursing home facility.

Mr. Mann moved to approve LTZ #05-03 as recommended by the Zoning Commission and Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**MOTION: Lehner Sign Penalty Request – Continued to Nov. 5 @ 8:00 p.m.**

Mr. Mann made a motion to Continue this request; the Applicant was not in attendance, and the Board wanted to allow the Applicant the opportunity to be heard. Ms. Guzzo seconded the motion and the roll call vote. Ms. Guzzo yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**MOTION: Admin. Review 08-07 – Continued**

Adm. Review 08-07, Applicant Pat Swanson on behalf of PK Builders is requesting approval of modifications to “No Build” zone at 1917 Woodlands Place, Powell, Ohio.

**In support of this Application:** Applicant Pat Swanson explained they were to return this week hopefully having reached an agreement, but that did not happen. He said the prospective buyer proposed a plan, but the neighbor Mr. Apseloff was not interested

in trying to compromise. Mr. Swanson explained that all the other neighbors were in the "No Build" zone not only this lot.

Ted Madis reminded the Board they were not aware this situation was happening until after they purchased the property. He explained they were willing to compromise and had met with the neighbors a couple of times and had a few phone calls but did not have an agreement. Mr. Madis advised their proposal they made cut the size of the yard by roughly 1/3 and that was the part closest to their house, and let the other piece return to its natural state, and some trees would be added, but to date they had not received a counter proposal.

**Opposed to this Application:** Glen and Lucia Apseloff, 1948 Loch Lomond Drive presented letters from neighbors opposed to this Application and said this was a neighborhood problem. The Board asked if there was any way to compromise and come to some agreement. Mr. Apseloff explained they did discuss having approximately 20 shade tolerant Canadian Hemlocks planted to provide a buffer and moving the creek closer to their property, but that involved the removal of several mature trees and would only allow the owners a very small yard, so there was no resolution. Mr. Apseloff explained they purchased their home because of the natural ravine setting. Ms. Apseloff advised they along with neighbors believed the pipe placed by the creek posed a danger of flooding and causing erosion to both sides of the ravine. Mr. Apseloff said he wanted it restored to its natural state, and it is not only them but other neighbors as well.

Kim Cellar, 185 Calumet Ct., stated this should be an easy decision because they did not have a Plan in front of them.

Eugene and Debbie Griffin, 1935 Woodlands Place, said they live directly next door to this property and their main problem is the tampering of the creek; they fear that it will flood their property and possibly their home. She believed more than 4 trees were removed it was probably closer to 20 trees.

Attorney Gerald Sunbury, 495 S. High St., said they are speaking about an area 270 feet by 70 feet which was bulldozed and leveled. This was done by a builder that was aware of the "No Build" zone, and he felt it was a blatant disregard for the rules. This is different than a resident which might not know of the restriction or did not read their deed. He said his clients are willing to compromise, but their objective is to have that area restored.

Mr. Madis said the drainage issue was inspected and Mr. Swanson has a certified statement from an engineer that the drainage is fine. He hoped they could reach a compromise and if not and there is no yard they will hand over the keys and look elsewhere.

Mr. Sunbury said he did not believe that Mr. Swanson's plan was much of a basis to begin discussions because it was not professionally done. Mr. Sunbury hoped the Township would have some Escrow agreement and have a professional give them an idea of what should be done to naturalize it and what the cost should be. He did not believe it was unreasonable to say it should be restored.

Mr. Apseloff said there was a misunderstanding on compromise; they are willing to compromise in the way it will be restored. They do not want to look out of their house and see lawn with children and toys; they want it see nature. Mr. Apseloff explained if a landscaper could come up with something they could all agree on that would be great.

Ms. Foust proposed meeting at the site with Delaware County Soil and Water Milt Link and ODNR Lisa Bowers might be beneficial.

Mr. Swanson explained he had a detailed drainage plan from an engineer and a letter from Milt Link saying that it was properly done. His paperwork was in order and that should not be up for further discussion.

Mr. Mann noted the Applicant if the Application is denied there would be a violation of the "No Build" zone and the Applicant would be asked to remedy it. Plans would need to be submitted on how to remedy the violation and if they did not work with the Applicant and the Board believed the Plans to be reasonable they may get a Plan approved which they do not like.

**MOTION: Admin. Review 08-07**

The Applicant no longer being present and unavailable to request the Application be tabled, the Board Continued the Application for further discussion and in hopes an agreement might be reached.

Ms. Guzzo moved to Continue Admin. Review 08-07 to the next Board of Trustees meeting on Wednesday, November 5<sup>th</sup> at 8:15 p.m. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**MOTION: Wedgewood Park Stop Signs Request**

Kim Simpson, 9443 Gibson Dr., presented the Board with photos and signed petitions from surrounding neighbors in support of their request. She said they are now getting a lot of traffic in their neighborhood due to the addition of the Wedgewood Park Estates which has approximately 120+ houses. She said there were no stop signs from Gibson all the way to Creighton Drive. There is a park and kids cross the road to get to it and there is quite a bit of traffic, construction traffic, and speeding so they would like to propose traffic calming stop signs for the neighborhood as a safely measure. She noted their main concern was Gibson Drive; she presented a detailed report which will be attached hereto and made a permanent part of this record.

Ms. Guzzo moved to request Engineering Assistance to study the stop sign requests made by Wedgewood Park as presented. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

Ms. Guzzo moved to authorize the Road Department install a sign at both entrances of Wedgewood Park Subdivision indicating that no construction traffic be allowed contingent on the Prosecutor's Office approving the Board's authority to do so. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

Ms. Mann moved to authorize the Road Department to investigate the need and appropriateness of a sign indicating a curve on Powell Road and work with ODOT if indeed one is needed. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

Ms. Guzzo moved to request an opinion from the Prosecutor's Office whether or not the Board has the authority to prohibit thru truck traffic in the Township. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**MOTION: Attorney Press Release**

Mr. Mann moved to approve Thompson Hine issue a press release they deem appropriate after the Trustees review it. Ms. Guzzo seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**Fuel Depot Update**

Staff recommends that they replace the current fuel depot the cost would be approximately \$105,000. City of Powell has expressed an interest to buy into this program. Capt. Reardon said he could put together a presentation on this issue and present it at a future meeting. Ms. Guzzo said she was in agreement with this, but would like to see a report from the Fiscal Officer regarding funds. Mr. Mann suggested that Mr. Anderson share this information with the City of Powell and determine if they were still interested.

**MOTION: Request Engineering Assistance – No Engine Brake**

Ms. Guzzo moved to request Engineering Assistance to place No Engine Braking signs on Sawmill Parkway at the southern entrance of Liberty Township. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

**MOTION: Pay Bills**

Ms. Guzzo moved to approve the payment of the bills and Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.


**Approval of Minutes**

Ms. Guzzo moved to approve the Board of Trustees Meeting Minutes of August 18, 2008 as presented. Mr. Mann seconded the motion and the roll call vote: Ms. Guzzo – yes, Mr. Mann – yes. The motion passed with a 2-yes and 0-no vote.

The August 6 and October 6, 2008 meeting minutes were not approved due to lack of quorum. They will be brought back before the Board at the next regularly scheduled Trustees Meeting Wednesday, November 5, 2008.

**ADJOURNED:**

There being no further business Vice-Chairperson Mann adjourned the meeting at 10:30 p.m.

  
Mark S. Gerber, Fiscal Officer