

The Board of Liberty Township Trustees met in a Regular Session on November 13, 2012 at 6:30 p.m. at the township Administration Building with the following members present: Mrs. Jodi K. Stoyak, Mr. Jason Rubin, and Chairperson, Mr. Stan Nudell presiding.

Guest: Liberty Business Association and Liberty Police Department present the 2012 Fall Beautification and Safety Award to Liberty Place, Volturno Group, LLC, Belmont Avenue.

Guest: The Men's Garden Club of Youngstown, Larry Tooker. A special thank you to Mr. Larry Whetson, formerly of Liberty Twp., and a 53 year member of the Garden Club of Youngstown, for donating this year's Elm Tree.

Motion made by Mrs. Stoyak to approve the minutes of the October 9, 2012 Regular Meeting and the November 1, 2102 Special Meeting.

Mrs. Stoyak, Yes. Mr. Rubin, Yes. Mr. Nudell, Yes. Seconded by Mr. Rubin. Motion carried.

Motion made by Mr. Rubin to approve warrant expenditures for the month of October 2012 in the amount of \$354,975.12 warrants #6761 through #6952 inclusive.

Mr. Rubin, Yes. Mrs. Stoyak, Yes. Mr. Nudell, Yes. Seconded by Mrs. Stoyak. Motion carried.

12- 119 No objection to liquor permit to ABN1 LLC, DBA Fast Dash, 3235 Belmont Ave, Liberty Twp., Ohio 44505 from Brad A Russo, DBA Inner Circle Pizza, 3570 Belmont Ave, Liberty Twp., Ohio, 44505.

Mrs. Stoyak, Yes. Mr. Rubin, Yes. Mr. Nudell, Yes. Seconded by Mr. Rubin. Motion carried.

12-120 Motion made by Mr. Rubin to adopt the following resolution required by the Ohio Revised Code Section 1332.27 (A) and Time Warner Cable's state video service authorization:

A resolution establishing a video service provider fee to be paid by any video service provider offering video service in the township; the Chairman to give notice to the video service provider of the video service provider fee; and declaring an emergency.

WHEREAS, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007 to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service (the "Video Law"); and

WHEREAS, under the Video Law a video service provider that is providing video service to subscribers in the Township pursuant to a state-issued video service authorization must pay the Township a video service provider fee ("VSP Fee") based on a percentage of the provider's gross revenues received from providing video service in the Township, not to exceed five percent (5%) of such gross revenues; and

WHEREAS, the Video Law requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in the Township (the "VSP Fee Percentage") or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee percentage shall be zero percent (0%) of gross revenues unless the Township determines by resolution that the VSP fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and

WHEREAS, the Video Law further requires the Township to provide a video service provider with written notice of the VSP Fee Percentage within ten (10) days of receiving notice from the video service provider, pursuant to R.C. 1332.27(A), that it will begin offering service in the Township; and

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee Percentage, it is necessary for this Council (i) to establish the VSP Fee Percentage; and (ii) to authorize the Chairman to provide the appropriate notice of the VSP Fee Percentage to a video service provider within ten (10) days of the Township receiving notice that a video service provider will begin providing service to the Township.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, STATE OF OHIO:

Section 1. That the Trustees of Liberty Township hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of **three percent (3%) to the video service provider's gross revenues** as defined in Section 332.32(B) of the Video Law. All video service providers and cable television operators providing video service in the Township shall apply the VSP Fee Percentage

against gross revenues as defined in the Video Law.

Section 2. That the VSP Fee shall be paid by each video service provider providing service in the Township on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (6) days after the end of each calendar quarter. R.C. § 1332.32 (A).

Section 3. That the Chairman is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage as determined by the Board above, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the Township pursuant to a state-issued video service authorization.

Section 4. That it is found and determined that all formal actions of the Board of Trustees concerning and relating to the adoption of the Resolution were adopted in an open meeting of this Board, and all deliberations of the Board and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Township of Liberty, and this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all member elected to The Board and approval of the Chairman, otherwise from and after the earliest period allowed by law.

Mr. Rubin, Yes. Mrs. Stoyak, Yes. Mr. Nudell, Yes. Seconded by Mrs. Stoyak. Motion carried.

12-121 Motion made by Mrs. Stoyak to adopt the following resolution approving the updated Solid Waste Management Plan for the Geauga-Trumbull Solid Waste Management District.

WHEREAS, H.B. 592, enacted by the 117th General Assembly of the State of Ohio and effective June 24, 1988, required that the Board of County Commissioners of each county within the state established and maintain its own "county solid waste management district" or, with the Boards of County Commissioners of one or more other counties, establish by agreement and maintain a "join solid waste management district" pursuant to Section 343.01 of the Revised Code, for the purposes of solid waste management planning and providing for, or causing to be provided for, the safe and sanitary management of solid wastes within all of the incorporated and unincorporated territory of such a county district or joint solid waste management district; and

WHEREAS, the respective Boards of County Commissioners of the Counties of Geauga and Trumbull determined to, and did enter into an agreement entitled "Agreement Establishing the Geauga-Trumbull Solid Waste Management District" dated January, 1994 which established the Geauga-Trumbull Solid Waste Management District; and

WHEREAS, the Policy Committee is required by the Ohio Revised Code to prepare, adopt and submit to the Director of the Ohio Environmental Protection Agency for review and approval "a solid waste management plan" for the Geauga-Trumbull Solid Waste Management District; and

WHEREAS, a public comment period of (30) thirty days for comment concerning the draft plan was established from September 17, 2012 through October 17, 2012 and a public hearing concerning the updated plan was held October 18, 2012 in Warren at the District office. All in accordance with published notice and procedures set forth in Section 3734.55 of the Revised Code; and

WHEREAS, The Policy Committee, after consideration of comments and recommendations received concerning the updated plan, made certain modifications to the updated plan and has adopted and submitted to this legislative authority a copy of the update plan for the District as so modified; and

WHEREAS, the legislative authority is required by Division (B) of Section 3734.55 of the Revised Code to approve or disapprove the final updated plan within 90 days after receiving a copy of the final updated plan and has been requested to approve the updated plan;

NOW, therefore be it resolved, by the Board of Township Trustees of Liberty Township, County of Trumbull, State of Ohio, that:

Section 1. The final updated plan is hereby approved in the form submitted to this legislative authority and presently on file with the Fiscal Officer of this legislative authority.

Section 2. The Fiscal Officer of this legislative authority is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this Resolution to the Policy Committee.

Section 3. The Board finds and determines that all formal actions of this Board concerning and related to the adoption of this Resolution were taken in an open meeting of this Board that was open to the public in compliance with the law.

Section 4. This Resolution shall be in full force and effect from and immediately upon its adoption. Mrs. Stoyak, Yes. Mr. Rubin, Yes. Mr. Nudell, Yes. Seconded by Mr. Rubin. Motion carried.

Motion made by Mrs. Stoyak to adjourn into executive session at 7:00 p.m.
Mrs. Stoyak, Yes. Mr. Rubin, Yes. Mr. Nudell, Yes. Seconded by Mr. Rubin. Motion carried.

Motion made by Mrs. Stoyak to adjourn from executive session at 7:30 p.m. and adjourn meeting.
Mrs. Stoyak, Yes. Mr. Rubin, Yes. Mr. Nudell, Yes. Seconded by Mr. Rubin. Motion carried.

JOHN E. FUSCO, FISCAL OFFICER

STAN NUDELL, CHAIRPERSON

Fill-A-Cruiser Food Drive – Saturday, November 17th 9 am – 5 pm. Churchill Commons, 4700 Belmont Avenue. Members of the Liberty Police Department will be collecting non-perishable food items, personal care products, and cash donations to be distributed by the Second Harvest Food Bank. If you cannot attend the event, donations will be accepted at the Police Department, 1315 Churchill Hubbard Rd.

On December 1, 2012 from 11 am – 12:30 pm the Liberty Branch Library will host a Holiday Extravaganza including Santa, refreshments, and several crafts for the kids.