

The Board of Liberty Township Trustees met in a Regular Session on December 14, 2015 at 1:00 p.m. at the township Administration Building with the following members present: Mr. Jason Rubin, Mr. Stan Nudell, and Chairperson, Mrs. Jodi K. Stoyak presiding.

**SWEAR IN TRUSTEE JODI K. STOYAK**

Motion made by Mr. Rubin to approve the minutes of the November 23, 2015 Regular Meeting and the December 7, 2015 Special Meeting.

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

Motion made by Mrs. Stoyak to approve warrant/eft expenditures for the month of November 2015 in the amount of \$525,132.38 warrants #12344 through #12531 inclusive.

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

15- 112 Motion made by Mr. Rubin to pass the following **RESOLUTION AUTHORIZING ISSUANCE OF GENERAL OBLIGATION TAX ANTICIPATION NOTE**

**WHEREAS**, The Board of Trustees has deemed it necessary to issue a General Obligation Tax Anticipation Note to provide financial funds to insure meeting of all of the Township's current and or future financial needs; and

**WHEREAS**, such note is authorized pursuant to Ohio Revised Code Sections 133.10, 133.20, 133.24 and 505.262; and

**WHEREAS**, The Board of Trustees desires to obtain said funds from the First National Bank of Pennsylvania,

**NOW THEREFORE BE IT RESOLVED THAT**, The Board of Trustees be and hereby is authorized to issue a General Obligation Tax Anticipation Note (the "Note"), to provide financial funds to insure meeting all of its current and or future financial needs, in the amount of Three Hundred Thousand Dollars (\$300,000.00) with interest at the rate of three percent (3.00%), payable in six months or upon prepayment at any time in whole or in part without penalty at the option of the Township; and

**BE IT FURTHER RESOLVED THAT**, the Note shall be issued in anticipation of the collection of current property tax revenues in and for the fiscal year commencing January 1, 2016 to be received from all settlements of taxes between January 1, 2016 and June 30, 2016 as estimated by the County Budget Commission, other than taxes to be received for the payment of debt charges and all advances.

**BE IT FURTHER RESOLVED THAT** this Board of Trustees further determines and covenants that the aggregate principal amount of the Note does not exceed, and on the date of the Note will not exceed, one-half of the amount estimated to be received from all property taxes subject to settlements by the last day of the sixth month following issuance of the Note under Section 321.24 of the Revised Code, other than taxes to be received for the payment of debt charges and all advances, that estimated amount is as shown in the latest Official Certificate of Estimated Resources for the fiscal year 2016 filed with this Board of Trustees pursuant to Section 5705.36 of the Revised Code; and, as provided in Section 5705.39 of the Revised Code, the total appropriations by the Board of Trustees from each fund for the fiscal year from January 1, 2016 to December 31, 2016 on the date of issuance of the Note will not exceed the certified estimated revenue available for expenditure from each fund.

**BE IT FURTHER RESOLVED THAT** the Note shall be sold to First National Bank of Pennsylvania, at private sale in accordance with this Resolution. The Fiscal Officer is authorized and directed to cause the Note to be prepared and to have the Note executed and delivered, together with a true transcript of the proceedings with reference to issuance of the Note, to the original purchaser upon payment of the purchase price. The Note is hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). In that connection, the Board of Trustees hereby covenants that the Board of Trustees (it having no "subordinate entities" with authority to issue obligations within the meaning of that section of the Code), in or during the calendar year in which the Note are issued (a) will not designate as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code tax-exempt obligations, including the Note, in an aggregate principal amount in excess of \$10,000,000, and (b) will not issue tax-exempt obligations within the meaning of Section 265(b)(4) of the Code, including the Note and any qualified 501(c)(3) bonds as defined in Section 145 of the Code (but excluding obligations, other than qualified 501(c)(3) bonds, that are private activity bonds as defined in Section 141 of the Code), in an aggregate principal amount exceeding \$10,000,000, unless the Board of

Trustees receives an opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not cause the Note to cease to be "qualified tax-exempt obligations".

**BE IT FUTHER RESOLVED THAT** the levy by this Board of Trustees of the specific taxes anticipated by the Note on all taxable property in this Township on the tax list and duplicate for the year 2015 to be collected during fiscal year 2016, by resolutions adopted by this Board of Trustees pursuant to law, is acknowledged, confirmed and ratified. Those taxes are direct taxes during the period the Note will be outstanding, and are in an aggregate amount at least sufficient to provide funds to pay the principal of and interest on the Note at maturity and therefore are not less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. Those taxes have been computed, certified, levied and extended upon the tax list and duplicate for the year 2015 for collection by the same officers, in the same manner and at the same times that all taxes for general purposes for the year are collected. The proceeds of the taxes anticipated are to be applied to the extent required and as provided in this Resolution to the payment of the principal of and interest on the Note at maturity. Pursuant to law and particularly the provisions of Section 133.10 of the Revised Code, the amounts of the proceeds of those taxes required to pay that principal and interest are deemed to be appropriated and hereby are appropriated to pay that principal and interest. This Board of Trustees covenants that it will give effect to that appropriation, to the extent stated above, in all resolutions it hereafter adopts appropriating money for expenditure or encumbrance in the fiscal year commencing January 1, 2016.

**BE IT FURTHER RESOLVED THAT** the Board of Trustees covenants that it will restrict the use of the proceeds of the Note in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the delivery of and payment for the Note, so that the Note will not constitute arbitrage bonds under Section 148 of the Code and the applicable income tax regulations pertaining thereto. The Fiscal Officer as the fiscal officer, or any other officer having responsibility for issuing the Note, is, alone or in conjunction with any of the foregoing or with any other officer or employee of or consultant to the Board of Trustees, authorized and directed to give an appropriate certificate of the Board of Trustees, for inclusion in the transcript of proceedings for the Note, setting forth the reasonable expectations of the Board of Trustees regarding the amount and use of all the proceeds of the Note and the facts and estimates on which they are based, all as of the date of delivery of and payment for the Note. In order to obtain and preserve the exemption from federal income tax of interest on the Note, the Board of Trustees further covenants that it will take all actions that may be required of the Board of Trustees, and will not take any action which would adversely affect such exemption, under the provisions of any federal tax law that applies to the Note, whether presently in effect or enacted subsequent to the date of issuance of the Note, specifically including, but not limited to, provisions requiring or pertaining to restricting the amount of proceeds invested at a higher yield than the yield on the Note, expending proceeds or portions thereof within the times provided, making reports to the United States, and the rebate of certain excess earnings from the investment of the proceeds to the United States, and the Board of Trustees hereby authorizes the Fiscal Officer and other appropriate officers to make any such rebate or rebates of such excess investment earnings and to take such other actions and give such certifications as may be appropriate for the purposes aforesaid.

It is hereby found, determined and declared that all acts and conditions necessary to be done or to exist precedent to and in the issuing of the Note in order to make them legal, valid and binding obligations of this Board of Trustees have been performed and exist, or will at the time of delivery of the Note have been performed and exist, in regular and due form as required by law; and that the amount of indebtedness to be incurred by the issuance of the Note does not exceed any limitation of indebtedness as fixed by law. It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the Adoption of this Resolution were adopted in an open meeting of this Board of Trustees and that all deliberations of this Board of Trustees and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Revised Code.

**BE IT FURTHER RESOLVED THAT**, The Board of Trustees is authorized to pay all costs and or fees required and associated with the issuance of the General Tax Anticipation Note; and **BE IT FURTHER RESOLVED THAT**, The Board of Trustees and Township Fiscal Officer be and hereby are authorized and directed to execute any and all documents necessary to affect and complete said transaction.

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

15-113 Motion made by Mrs. Stoyak to increase the appropriations in the following funds: in the General fund increase the appropriations by \$300,000.00; Cemetery Fund increase the appropriations by \$1,500.00; in the Police Fund increase the appropriations by \$160,000.00; in the Fire Fund increase the appropriations by \$140,000.00 & and in the Drug Law Enforcement Fund increase the appropriations by \$14,000.00 which was due to increased revenue in the receipts for 2015.

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

15-114 Motion made by Mrs. Stoyak to purchase a 2016 Ford Sedan Interceptor Police Cruiser from Statewide Ford Lincoln, at a cost of \$41,288.25. Payment through Statewide Municipal Leasing 3 year lease annual payments, 2015 \$13,762.75, 11/5/2016 - \$13,762.75, & 11/5/2017 – 13,762.75. \*\*

Mrs. Stoyak, Yes. Mr. Nudell, Yes. Mr. Rubin, **NO**. Seconded by Mr. Nudell. Motion carried.

\*\* The Fiscal Officer in good faith wants entered into the record and believes that the expenditure is invalid or illegal and he has sought the legal opinion from the Home Rule Appointed Law Director who has advised the Fiscal Officer that he is required to issue and sign purchase order for the expense in question.

The reason for objecting to expenditure is that on date of issue the fund had an available balance, but Fiscal Officer projects that this expenditure will contribute toward a negative balance in the coming weeks, putting police fund in a deficit.

15-115 Motion made by Mr. Rubin to approve promotion of Captain Robert Catchpole as the Lead Inspector starting January 4, 2016. His new rate for working M-F \$33.55 per hour based on a 2080 work year.

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

15-116 Motion made by Mrs. Stoyak to promote Michael Write as a full time firefighter/medic effective January 3, 2016 at a starting rate of \$16.85, in compliance with the agreement between the Board of Trustees of Liberty Township and the IAFF.

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

15-117 Motion made by Mr. Rubin to hire Ronald Womack, as a part time firefighter/medic (1<sup>st</sup> date worked is hire date) at \$10.50 per hour pending pre-employment drug testing. No benefits. Mr. Rubin, Yes. Mrs. Stoyak, Yes. Mr. Nudell, Yes. Seconded by Mrs. Stoyak. Motion carried.

15-118 Motion made by Mrs. Stoyak to approve the below ZONING FEE SCHEDULE:

Zoning Fees based @ \$6.00 per \$1,000 of improvement cost.

Minimum Fee \$25.00 for any permit.

**Residential Valuations:**

Frame with vinyl or other siding	\$80.00 sq. ft.*
Frame mix of siding and stone/brick	\$85.00 sq. ft.*
All brick or stone	\$90.00 sq. ft.*
Garages	\$17.00 sq. ft.*
Decks	\$15.00 sq. ft.*

**Business/Commercial/Industrial:**

Business/Professional	\$80.00 sq. ft.*
Commercial/Retail	\$70.00 sq. ft.*
Industrial/Warehouse	\$60.00 sq. ft.*
Storage Building/Garages/Pole Bldgs	\$17.00 sq. ft.*

\*These are the minimums used to calculate improvement cost.

**Signs:**

Wall per sign.....	\$50.00
Freestanding signs.....	\$100.00
Freestanding Multi Tenant signs .....	\$100.00 base fee
.....+ \$25.00 per tenant panel	
Temporary 2 week sign.....	\$25.00

Billboards single sided.....\$150.00  
Billboard double sided.....\$300.00

**Miscellaneous permit fees:**

Above ground pool.....\$25.00  
In ground pool.....\$6.00 per \$1000  
Fences.....\$25.00  
Sheds.....\$25.00  
Nuisance Administration fee.....\$100.00  
Zoning Verification Letter.....\$75.00  
Zoning Verification Expedited add.....\$20.00  
Zoning Map..... \$3.00  
Zoning Resolution Copy.....\$15.00

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

ORGANIZATION MEETING JANUARY 4, 2016 AT 1:00 P.M.

Motion made by Mrs. Stoyak to adjourn at 2:25 p.m. Seconded by Mr. Rubin. Motion carried.

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STEVE SHELTON, FISCAL OFFICER

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JODI K. STOYAK, CHAIRPERSON