

The Board of Liberty Township Trustees met in a Caucus Session on February 12, 2018 at 6:30 p.m. at the township Administration Building with the following members present, Mr. Arnold Clebone, Mr. Gregory Cizmar, and Mrs. Jodi K. Stoyak, presiding.

1. Half Hour Caucus - The Board will conduct discussions among themselves regarding issues concerning township business.

2. REGULAR MEETING OPEN CAUCUS - The Caucus portion of the meeting will be conducted pursuant to the following rules:

(A) The first half (1/2) hour of each regular township meeting shall be set aside as an open Trustee Caucus for the purpose of discussion, deliberation and information gathering on township matters.

(B) During the caucus half hour, the Board will not entertain any questions or comments from the public in attendance at the meeting;

(C) They will not take any official action adopting and passing Township Resolutions;

(D) During this caucus period public participation will be limited to being in the presence of the Board and listening to and observing the discussion of the Board;

(E) Upon conclusion of the Board's caucus half hour, the Board will proceed with the business part of the meeting in accordance with the Meeting Agenda before the Board which will include time for members of the public to address the Board of Trustees.

3. Discussion of the following matters:

(a) Discussion reviewing and increasing charges for cemetery and park fees.

(b) Discussion regarding Mechanic's need for a computer.

(c) Discussion regarding OTA Winter Conference - anything helpful to the betterment of the township.

(d) Discussion of a resident Neil Yutkin's appointment for Community Reinvestment Committee.

(Replacement of Mr. Clebone who was the resident appointment but now is the Township Trustee appointment).

(e) Discussion Plan of Action for Roads.

(f) Discussion and update on Engineers Road Survey and Potential Funding Sources.

Motion made by Mr. Cizmar to conclude caucus at 7:00 p.m.

Mr. Cizmar, Yes. Mr. Clebone, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Clebone. Motion carried.

REGULAR PORTION OF TRUSTEE MEETING

The Board of Liberty Township Trustees met in a Regular Session on February 12, 2018 at 7:00 p.m. at the township Administration Building with the following members present, Mr. Arnold Clebone, Mr. Gregory Cizmar, and Mrs. Jodi K. Stoyak, presiding.

Motion made by Mr. Cizmar to approve the minutes of the January 2018 Organization/Regular Meeting and the January 16, 2018 Regular Meeting.

Mr. Cizmar, Yes. Mr. Clebone, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Clebone. Motion carried.

Motion made by Mr. Cizmar to approve warrant/eft expenditures for the month of 2018 in the amount of \$439,702.09 warrants #16363 through #16531 inclusive.

Mr. Cizmar, Yes. Mr. Clebone, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Clebone. Motion carried.

18-42 Motion made by Mr. Clebone to appoint Kristen Rock for the Zoning Board who replaces Arnold Clebone term expires 12/2018.

Mr. Clebone, Yes. Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Cizmar. Motion carried.

18-43 Motion made by Clebone to table the following Amendment to Township Dog Control Resolution, ORC §955.221(B)(2))

RESOLUTION TO AMEND TOWNSHIPS DOG CONTROL RESOLUTION (ORC §955.221(B)(2))

WHEREAS, the Ohio Revised Code Section 955.221(B)(2) authorizes the Board of Trustees to adopt and enforce resolutions to control dogs within the Township that are not otherwise in conflict with any other provision of the Revised Code, if the Township is located in a county where the Board of County Commissioners has not adopted resolutions to control dogs within the unincorporated areas of the County under this section; and

WHEREAS, the Board of Commissioners of Trumbull County has not adopted a resolution to control dogs within the unincorporated areas of the County under this statutory section; and

WHEREAS, Ohio Revised Code Section 955.221(A) states that a resolution to control dogs includes, but is not limited to resolutions concerned with the ownership, keeping, or harboring of dogs; the restraint of dogs; dogs as public nuisances; and dogs as a threat to public health, safety, and welfare; and

WHEREAS, this statutory section exempts the use of a dog which is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter when actually in the field and engaged in hunting or in legitimate training for such purpose; and

WHEREAS, the Board of Trustees finds that the current statutes do not protect dogs from being tethered in an inhumane manner and that it has the statutory authority under Ohio Revised Code 955.221 to adopt this resolution with respect to the ownership, keeping, or harboring of dogs to fill this vacuum; and

WHEREAS, this resolution may be enforced through the criminal justice system, as Ohio Revised Code Section 955.221(C) states that “no person shall violate any resolution adopted under this section” and Section 955.99(K) provides that whoever violates Section 955.221(C) is guilty of a minor misdemeanor, with each day of continued violation being a separate offense; and

WHEREAS, the Board of Trustees has previously adopted a Dog Control Resolution pursuant to the authority granted them by ORC §955.221(B)(2) in Resolution No. 95-130, approved and adopted on; September 11, 1995 and

WHEREAS, the Board of Trustees desires to amend said Resolution to include protection for dogs being tethered in an inhumane manner as is authorized herein,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Liberty Township, Trumbull County that the following resolution be and hereby is adopted:

- 1) No person shall negligently allow a dog to be tethered outdoors in any of the following circumstances:
 - a) For a total of more than six (6) hours in a twenty-four (24) hour period and for not more than two (2) consecutive hours without at least an hour (1) between tethering;
 - b) If a heat or cold advisory or a severe weather warning has been issued by the national weather service of the area in which the dog is kept or harbored;
 - c) If any of the following applies to the tether:
 - i) It is less than twenty (20) feet in length.
 - ii) It allows the dog to touch a fence or cross the property line of the owner’s, keepers, or harborer’s property.
 - iii) It is attached by means of a pinch-type, prong-type, or choke-type collar, or the collar to which it is attached causes pain or harm and or is unsafe or is not properly fitted.
 - iv) It may cause injury to, or entanglement of, the dog.
 - v) It is made of a material that is unsuitable for the dog’s size and weight or that causes any unnecessary discomfort to the dog.
 - d) If the dog is not provided with a sanitary environment that is free of an accumulation of feces or other waste and insect or rodent infestation and of foul odor;
 - e) If no owner or occupant of the premises where the dog is kept or harbored is present.
2. As used in this resolution, “tether” means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place that allows a radius in which the animal can move about.
3. a) As used in this resolution, “outdoors” means the dog is not being tethered inside a house or principal building. The term “outdoors” includes a dog tethered inside an accessory building, a porch (open or closed), a breezeway, a garage, and a carport.
 - b) As used in this resolution, “accessory building” means a subordinate building, the use of which is customarily incidental to that of the main building, and which is located on the same lot or parcel of land. A shed is included in this definition.
 - c) As used in this resolution, “porch (open)” means a roofed structure, having one or more unenclosed sides, projecting from front, side or rear wall of the building, while “porch (closed)” means a roofed structure, having one or more enclosed sides, projecting from the front, side or rear wall of the building.
 - d) As used in this resolution, a “breezeway” means a roofed passageway connecting two (2) buildings, sometimes with the sides enclosed.
 - e) As used in this resolution, “garage” means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, boats, and/or trailers.

- f) As used in this resolution, a “car port” means a roofed structure not more than fifty (50%) percent enclosed by walls or doors and attached to the principal building for the purpose of providing shelter to one or more motor vehicles.
- 4) This resolution shall be enforced under R.C. 955.22(C) and 955.99(K) by the appropriate law enforcement officers.
- 5) Violation of the Township's Dog Control Resolution as amend constitutes a criminal violation, punishable by a Court of law as follows:
- (a) If not involving a nuisance dog, dangerous dog, or vicious dog the violator shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) on a first offense; and
- (b) On each subsequent offense shall be fined not less than seventy-five dollars (\$75.00) or more than two hundred fifty dollars (\$250.00) and;
- (c) May be imprisoned for not more than thirty (30) days; and
- (d) And such other penalties prescribed in ORC §955.99 et. seq.
- 6) Each day of continued violation is a separate offense.
- 7) The clerk of the Girard Municipal Court shall collect the fines levied and collected for violations of this resolution and shall distribute them to the Fiscal officer in accordance with Ohio Revised Code Section 1907.20(C) for credit to the general fund of Liberty Township.
- 8). If any paragraph, provision, or section of this resolution is held to be invalid by the final decision of any court of competent jurisdiction, then that decision will not affect the validity of the remaining paragraphs, provisions, or sections of this resolution. The Board declares that it would have adopted this resolution and each paragraph, provision, or section thereof despite the fact that one or more paragraphs, provisions, or sections would be declared invalid.
- 9). The Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board of Trustees, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including R.C. 121.22.
- 10) This resolution shall take effect and be in force at the earliest time provided by law

Mr. Clebone, Yes. Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Cizmar. Motion tabled.

18-44 Motion made by Mr. Cizmar to hire Nicholas Heitzer (first day worked is hire date) 2186 Woodgate ST., Austintown, OH 44515 as a part time FF. Wage of \$14.00, not benefits.

Mr. Cizmar, Yes. Mr. Clebone, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Clebone. Motion carried.

18-45 Motion made by Mr. Cizmar to accept then notice to terminate IT Services cooperative agency use agreement with Bazetta Township through February 10, 2018. (See Bazetta Twp. IT Service Agreement file for full terms of terminating agreement).

Mr. Cizmar, Yes. Mr. Clebone, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Clebone. Motion carried.

18-46 Motion made by Mr. Clebone to table the resolution to hire and contract with Joel Davis to provide IT (Internet Technology) and Computer Services to the Township pursuant the IT Contract attached to the minutes and incorporated by reference.

Mr. Clebone, Yes. Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Cizmar. Motion carried.

18-47 Motion made by Mr. Cizmar to appoint Mr. Neil Yutkin to the Liberty Township Community Reinvestment Committee (replaces Arnold Clebone as the township resident).

Mr. Cizmar, Yes. Mr. Clebone, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Clebone. Motion carried.

18-48 Motion made by Mr. Clebone to support House Bill 415 and send a letter of support for the bill to Representative Glenn Holmes and Senator Michael O'Brien.

Mr. Clebone, Yes. Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Cizmar. Motion carried.

Motion made by Mr. Cizmar to adjourn into executive session to consider compensation of employees and legal counsel at 8:28 p.m.

Mr. Cizmar, Yes. Mr. Clebone, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Clebone. Motion carried.

Motion made by Mr. Clebone to adjourn from executive session at 11:45 p.m. No decisions were made.

Mr. Clebone, Yes. Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Seconded by Mr. Cizmar. Motion carried.

March Meetings: 3/1/18 11:00 a.m. Caucus/11:30 a.m. meeting & 3/19/18 6:30 p.m. Caucus/7:00 p.m. meeting