

The Board of Liberty Township Trustees met in a Regular Meeting on June 17, 2019 at 6:30 p.m. at the township Administration Building with the following members present, Mrs. Jodi K. Stoyak, Mr. Gregory Cizmar, and Mr. Arnold Clebone, presiding.

A citizen spoke on a matter that concerned him and his family regarding noise at a local business and asked for the Boards assistance in a roundtable discussion with the company and his family.

Kent from Plus Public gave an update regarding the branding and web design.

Fiscal Officer gave the monthly financial report. Reported we received the Real Property Roll Back Taxes.

Administrator's Report – Mr. Ungaro absent.

Fire Department – Chief Gus Birch gave his report. Chief informed the Board another fire department sent a letter of intent to purchase the rescue fire truck. He was given permission to send his own letter of intent, in the event the other department does not purchase the vehicle. It is not a binding document but will make sure our law director

Police Department – Captain Ray Buhala provided the report.

Road Department – Mr. Timothy Monroe provided his report. Extremely wet spring has put the department weeks behind.

Zoning Department – Mr. Jim Rodway provided his report. Continues to place door hangers on homes to cut their grass, but with the excessive rain, it's difficult to cut lawns. Also discussed Rally's and ODOT's requirements for curbing.

New Business: Trustee Clebone gave an update on a possible agreement between the Board and Jones & Young to find funding through grants for the Fire and Police Departments.

Motion to approve the minutes of the May 20, 2019 Regular Meeting.

Motion: Mr. Cizmar. Second: Mr. Clebone.

Roll Call: Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

Motion to approve warrant/eft expenditures for the month of May 2019 in the amount of \$638,287.85 warrants #18857 through #19070 inclusive.

Motion: Mr. Cizmar. Second: Mrs. Stoyak.

Roll Call: Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Mr. Clebone, Yes. Motion carried.

Motion to approve the Then and Now Certificates for the month of May 2019.

Motion: Mr. Cizmar. Second: Mrs. Stoyak.

Roll Call: Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Mr. Clebone, Yes. Motion carried.

19-89 Motion to disapprove a Community Reinvestment Area Agreement for partial tax abatement pursuant to R.C. 3735.67 for improvements at 1501 Tibbetts-Wick Road. The applicant, Shepherd of the Valley Lutheran Retirement Services, Inc, seeks a fifty percent ten-year abatement of real property taxation for construction of 30 independent apartments at the project. (The nursing and assisted living units are eligible for exemption from taxation under R.C. 5701.13).

Motion: Mr. Cizmar. Second: Mrs. Stoyak.

Roll Call: Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Mr. Clebone, Yes. Motion carried.

19-90 Motion to Proceed with Renewal Fire levy:

The Board of Trustees of Liberty Township, Trumbull County, Ohio, hereby determines to proceed with a Renewal of a levy for fire department purposes in excess of the ten mill limitation, in the amount of 1.5 mills, to be submitted to the electors at the general election to be held on November 5, 2019, and directs the Township Fiscal Officer to certify the resolution to the Trumbull County Board of Elections, all in accordance with the Resolution below.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN MILL LIMITATION FOR FIRE PURPOSES

WHEREAS, the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Liberty Township, which is located exclusively in Trumbull County, Ohio; and

WHEREAS, it is necessary to levy a tax in excess of the ten mill limitation for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in the Township; and

WHEREAS, the existing 1.5 mill levy for fire purposes expires in 2019, and it is necessary to renew the existing levy in order to provide for the Liberty Township Fire Department; and

WHEREAS, on the 20th day of May, 2019, the Board of Trustees passed and adopted Resolution 19-74 declaring the necessity, for the purposes set forth in RC §5705.19(I), of levying a tax upon the electors of Liberty Township in its entirety, in excess of the ten-mill limitation, under Ohio Revised Code §§5705.03 and 5705.191, at the rate of 1.5 mills for each one dollar of valuation, for the renewal of an existing levy for a period of five (5) years, starting in tax year 2020, commencing in 2021; and

WHEREAS, the Trumbull County Auditor has certified to the Board of Trustees that the dollar amount of revenue to be generated by the tax levy at the stated millage, assuming tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$316,831.00, based upon the current assessed valuation of the Township of \$214,737,460.00.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Liberty Township, Trumbull County, Ohio, two-thirds of all members elected thereto concurring, that the Board desires to proceed with the submission of the question of a renewal levy in excess of the ten mill limitation, for the benefit of and upon the entire territory of said Liberty Township, pursuant to Ohio Revised Code §§5705.03, 5705.19(I) and 5705.191, for the purpose of providing and maintaining fire apparatus, appliances, buildings or sites therefore, or sources of water supply and materials therefore, or the establishment or maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time or volunteer firefighting personnel or fire fighting companies to operate the same, including the payment of fire fighter employers contributions required under R.C. 742.34 or to purchase ambulance equipment, or to provide ambulance, paramedic or other emergency medical services operated by a fire department or fire fighting company, at a rate not exceeding 1.5 mills for each one dollar of valuation which amounts to \$0.15 for each one hundred dollars of valuation, for a period of five (5) years, commencing tax year 2020 collection year beginning 2021; and

BE IT FURTHER RESOLVED that the question of such tax levy shall be submitted to the electors of Liberty Township in its entirety at the general election to be held therein on November 5, 2019 and;

BE IT FURTHER RESOLVED that said tax levy shall be submitted to the electors under the authority of Ohio Revised Code §§5705.03, 5705.19(I) and 5705.191; and

BE IT FURTHER RESOLVED that the Fiscal Officer of this Board of Trustees of Liberty Township be and is hereby directed to certify a copy of this Resolution to the Trumbull County Board of Elections, not less than ninety days prior to the election and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

Motion: Mr. Cizmar. Second: Mrs. Stoyak.

Roll Call: Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Mr. Clebone, Yes. Motion carried.

19-91 Motion to hire Megan Goehring, as a part time firefighter/EMT at \$12.00 per hour, no benefits pending pre-employment drug testing. First day worked is Megan's hire date.

Motion: Mrs. Stoyak. Second: Mr. Cizmar

Roll Call: Mrs. Stoyak, Yes. Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

19-92 Motion to hire Chelsea Caggiano, as a part time firefighter/EMT at \$12.00 per hour, no benefits pending pre-employment drug testing. First day worked is Chelsea's hire date.

Motion: Mrs. Stoyak. Second: Mr. Cizmar

Roll Call: Mrs. Stoyak, Yes. Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

19-93 Motion to enter into an agreement with Blue Line Solutions effective June 28, 2019 to provide services for the Liberty Township Traffic Law Photo-Monitoring program and to authorize Trustee Clebone to execute the agreement on behalf of the Township. The agreement shall be reviewed and approved by the Law Director prior to execution.

Motion: Mr. Cizmar. Second: Mrs. Stoyak.

Roll Call: Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Mr. Clebone, Yes. Motion carried.

19-94 Motion to pass the following **RESOLUTION AMENDING THE LIBERTY TOWNSHIP TRAFFIC LAW PHOTO-MONITORING PROGRAM**

WHEREAS, the ongoing problem of motorists disobeying speed limits and traffic signals threatens the safety of the residents of Liberty Township;

WHEREAS, Liberty Township seeks to increase compliance with speed limits and traffic signals, thereby decreasing the potential for motor vehicle crashes and pedestrian injuries that are caused by such failures to comply; and

WHEREAS, an automated speed enforcement program assists in increasing compliance with speed limits and traffic signals without the disadvantages of conventional traffic law enforcement, such as disruptions in the flow of traffic at heavily traveled locations and intersections and danger to police officers; and

WHEREAS, by Resolution Number 16-65, Liberty Township adopted an automated speed enforcement program; and

WHEREAS, the Ohio Legislature recently passed Amended Sub. H.B. No.62 amending Ohio Revised Code §4511.092 et seq., regarding the use of traffic law photo-monitoring devices;

NOW, THEREFORE, the Board of Trustees of Liberty Township, Ohio, hereby adopts the following Resolution revising the Liberty Township Traffic Law Photo-Monitoring Program within Liberty Township.

Section 1. DEFINED TERMS

Liberty Township adopts the definitions set forth in Ohio Revised Code §4511.092.

Section 2. GENERAL

Liberty Township hereby determines that it is in the best interest of the Township to utilize traffic law photo-monitoring devices for the purpose of detecting traffic law violations within the Township. The Chief of Police shall be responsible for administering the traffic law photo-monitoring program. The Chief of Police shall be empowered to take all actions necessary or advisable to operate the program in accordance with law.

Liberty Township Police Officers may utilize traffic law photo-monitoring devices for the purpose of detecting traffic law violations. A permanent full-time Liberty Township Police Officer shall be present at the location of any traffic law photo-monitoring device at all times during the operation of the device.

Liberty Township may contract for ticket processing and other services related to the traffic law photo-monitoring program on such terms as agreed by the parties.

Section 3. OFFENSES

1. The Liberty Township Police Department may issue tickets for a civil violation recorded by a traffic law photo-monitoring device in accordance with section 4511.092 et seq. of the Ohio Revised Code.
2. The vehicle owner may be issued a ticket if a traffic law photo-monitoring device records a traffic law violation showing that a vehicle is operated at a speed in excess of those set forth in section 4511.21 or 4511.211 of the Revised Code, provided that:
 - a. Within a school zone or the boundaries of a state or local park or recreation area, the Township shall not issue a ticket for a civil violation unless the vehicle involved in the violation is traveling at least six miles per hour over the posted speed limit.
 - b. At any other location, the Township shall not issue a ticket for a civil violation unless the vehicle involved in the violation is traveling at least ten miles per hour over the posted speed limit.
3. A Liberty Township Police Officer shall examine the evidence of alleged traffic law violations recorded by a traffic law photo-monitoring device to determine whether such a violation has occurred. If the image recorded by the traffic law photo-monitoring device shows such a violation, contains the date and time of the violation, and shows the letter and numerals on the license plate of the vehicle involved as well as the state that issued the license plate, the officer may use any lawful means to identify the registered owner.
4. The fact that a person or entity is the registered owner of a motor vehicle is prima facie evidence that that person or entity is the person who was operating the vehicle at the time of the traffic law violation.
5. Within thirty days of the traffic law violation the Liberty Township Police Department or its designee may issue and send by regular mail a ticket charging the registered owner with the violation. The ticket shall comply with section 4511.097 of the Revised Code.

6. A certified copy of the ticket alleging a traffic law violation, sworn to or affirmed by a Liberty Township Police Officer, including by electronic means, and the recorded images produced by the traffic law photo-monitoring device, is prima facie evidence of the facts contained therein and is admissible in a civil action or proceeding for review of the ticket issued.
7. At the time the ticket is mailed to the registered owner, the Liberty Township Police Department shall file a certified copy of the ticket with the Girard Municipal Court.

Section 4. TICKETS

1. The ticket shall be processed by Liberty Township or its designee and shall be served by ordinary mail to the vehicle owner's address as given on the motor vehicle registration from the Bureau of Motor Vehicles, or its equivalent of the state in which it is registered. The ticket shall include:
 - a. The name and address of the registered owner;
 - b. The letters and numerals appearing on the license plate issued to the motor vehicle;
 - c. The traffic law violation charged;
 - d. The system location;
 - e. The date and time of the violation;
 - f. A copy of the recorded image(s);
 - g. The name and badge number of the law enforcement officer who was present at the system location at the time of the traffic law violation;
 - h. The amount of the civil penalty imposed, the date by which the civil penalty should be paid and the address of the Girard Municipal Court where payment is to be sent;
 - i. A statement signed by a law enforcement officer employed by Liberty Township indicating that, based on an inspection of recorded images, the motor vehicle was involved in a traffic law violation, and a statement indicating that the recorded images are prima facie evidence of that traffic law violation, both of which may be signed electronically;
 - j. Information advising the person or entity alleged to be liable of the time, place and manner in which the person or entity may appear in court to contest the violation and ticket and the procedure for disclaiming liability by submitting an affidavit;
 - k. A warning that failure to exercise one of the options prescribed in Ohio Revised Code Section 4511.098 is deemed to be an admission of liability and waiver of the opportunity to contest the violation.
 - l. The date of issuance of the ticket.
2. A ticket issued under this Resolution shall be mailed no later than thirty (30) calendar days after the alleged traffic law violation.
3. A person or entity who receives a ticket shall do one of the following within thirty (30) days after receipt of the ticket:
 - a. In accordance with the instructions on the ticket, pay the civil penalty, thereby failing to contest liability and waiving the opportunity to contest the traffic law violation;
 - b. Complete and file with the Girard Municipal Court an affidavit as provided by law designating another party as responsible for the ticket;
 - c. Contest the ticket by filing a written request for a hearing with the Girard Municipal Court.

- d. The failure to respond to a ticket in a timely fashion shall constitute a waiver of the right to contest liability for the violation and may result in a default judgment in the civil action.

Section 5. CIVIL PENALTIES

1. The civil penalty imposed shall be as follows, or in such amount as established by Resolution by the Board of Trustees:
 - a. One hundred twenty-five dollars (\$125.00) for speeds 11-15 miles over the speed limit
 - b. One hundred thirty-five dollars (\$135.00) for speeds 15-25 miles over the speed limit
 - c. One hundred fifty dollars (\$150.00) for speeds more than 25 miles over the speed limit or if the offense occurs in a marked construction zone
 - d. If the civil penalty is paid more than thirty (30) calendar days, but within forty-five(45)calendar days after date of issuance of the ticket, a late fee of twenty-five dollars (\$25.00) shall be added to the amount of the civil penalty
 - e. If the civil penalty is paid more than forty-five (45) calendar days of the date of issuance of the ticket, an additional late fee of twenty-five dollars (\$25.00) shall be added for a total late fee of fifty dollars (\$50.00).
2. In addition to any civil penalty and any additional late fee, any and all costs or expenses incurred by the Township for litigation or other costs of collection shall be assessed against the person or entity found to be liable.
3. A traffic law violation for which a civil penalty is imposed under this Resolution is not a moving violation for the purpose of assessing points under Ohio Revised Code Section 4510.036 and may not be recorded on the driving record of the owner or operator of the motor vehicle and shall not be reported to the Bureau of Motor Vehicles, nor shall such a violation be recorded on the driving record of the owner or operator of the vehicle involved in the violation.

Section 6: COURT HEARING

If the person who was issued a ticket contests the ticket by filing a written request for a hearing with the Girard Municipal Court, the court shall hold a hearing as a civil action. If the person does not appear for the scheduled hearing, or if the person does not request a hearing and does not pay the ticket, the Township may request the Girard Municipal Court issue a default judgment on the civil action for the amount of the civil penalty imposed under the provisions of this Resolution, together with any applicable late fees. Regardless of which party prevails in the civil action, the Girard Municipal Court shall retain the deposit for court costs and fees paid by the Township for the hearing.

Section 7: COLLECTION OF CIVIL PENALTY

Any judgment issued by the Girard Municipal Court, along with late fees and interest as provided by law, may be collected in any manner authorized by law. If collection action is necessary, costs of collection of the debt shall be collected in addition to the amount of the judgment.

Section 8. SIGNS

The Township shall erect and maintain signs on every highway which is not a freeway that is part of the state highway system and that enters into the Township and at each fixed system location. The signs shall inform inbound traffic that the Township utilizes traffic law photo-monitoring devices to enforce traffic laws. The signs shall be erected within the first three hundred feet of the boundary of the Township and any fixed system location or, if the signs cannot be located within the first three hundred feet of the boundary of the Township or a fixed system location, as close to that distance as possible, in accordance with Ohio Revised Code Section 4511.094.

Section 9. FULL FORCE AND EFFECT

If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this

Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 10. COMPLIANCE WITH LAW

It is found and determined that all formal actions of this board of trustees concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this board of trustees and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meeting requirements.

Section 11. EFFECTIVE DATE

This Resolution shall be effective July 3, 2019. Resolution 16-65 as previously amended shall remain in full force and effect until midnight, July 2, 2019.

Motion: Mrs. Stoyak. Second: Mr. Cizmar

Roll Call: Mrs. Stoyak, Yes. Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

19-95 Motion to continue to appropriate and transfer from the General Fund to a line item account within the Police Fund fifty percent (50%) of the revenues received from the Traffic Law Photo Program each month. All money received as reimbursement for police officer overtime shall be transferred to the Police Department overtime fund.

Motion: Mrs. Stoyak. Second: Mr. Cizmar

Roll Call: Mrs. Stoyak, Yes. Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

Trustee Stoyak Comments for June 17, 2019

Liberty in Bloom teamed up with Girard Liberty Rotary to transform the triangle bed at I-80 with new stonework and many perennials. This bed is located at the main corridor of I-80 and Belmont Avenue and has been a focal point for many years. After we dedicated the American Flag, pole, new signage and lighting several years ago this area is where visitors enter and leave our township. We also installed new American Flags along the Fortune Garden fence and along both sides of Liberty Street. Twenty pink and white crab apple trees were also planted behind the flagpole by Three Flags Landscaping and Sekora Gardens.

During the first week of June, the Trumbull County Juvenile Justice kids with their supervisor cleaned up litter along Logangate Road, Logan Way and Tibbetts-Wick Road up to Belmont Avenue. These are usually the most littered streets in the Township. I have been working with this group for years to continue picking up litter long after the Community Litter Clean Up. My husband helped me pick up 31 bags that they collected. These streets for now are as clean as they have been in a long time.

Unfortunately, this needs to be done on a very regular basis as people in this community continue to litter our streets.

Many of Liberty in Bloom volunteers have been busy with their own lives, vacations, etc. But we were able to get all the flowers planted that we purchased. The flower beds have all been mulched and should look lovely in the next month.

We met with the County Engineer and each Trumbull County Commissioner separately explaining the Girard Water contract that will be up May 8, 2020. Further information regarding these meetings to follow.

We mulched 7 of the Pedestrian Bus Stops along Belmont Avenue. They look terrific. I sent letters to these businesses regarding keeping them maintained. These are in the right of way but provide a beautiful accent to each business that has them. They provide a place for visitors or residents to sit or have a snack while waiting for a bus. They also provide shade with the trees that were planted which also absorb pollution from Belmont Avenue. Unfortunately, this is not the first time I have sent letters out to the businesses to take care of these. The only two involved businesses that have taken pride in maintaining these bus stops is Jimmy's Italian food and Lori Moran, owner of the Liberty Plaza.

On June 12, I attended the Grand Opening of the Youngstown Area Goodwill Industries CVS Training Lab. CVS is teaming up with Goodwill to provide training for award-winning disability programs. Their programs include apprenticeships, clinical experience, community-based assessments, customized training, internships, job shadowing and on-the-job training.

Motion to adjourn into executive session at 7:50 p.m. to consider employment of a public employee or official.

Roll Call: Mr. Clebone, Yes. Mr. Cizmar, Yes. Mrs. Stoyak, Yes. Motion carried.

Motion to adjourn from executive session at 8:20 p.m. and resume regular meeting.

Motion: Mr. Cizmar. Second: Mr. Clebone.

Roll Call: Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

19-96 With the stepping down of Pat Ungaro as the Administrator a motion was made by Mr. Cizmar to promote Administrative Assistant Martha Weirick as Interim Administrator at a rate of \$24.28 per hour effective June 17, 2019. Should the Board of Trustees decide to remove Mrs. Weirick from the position or if Mrs. Weirick decides to resign from the position, Mrs. Weirick shall be reinstated to her previous position and previous rate of pay.

Motion: Mr. Cizmar. Second: Mr. Clebone.

Roll Call: Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

19-97 Motion to increase Fiscal Officer Assistant Denise Leones rate of pay to \$15.84 per hour.

Motion: Mr. Cizmar. Second: Mr. Clebone.

Roll Call: Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

Motion to adjourn at 8:37 p.m.

Motion: Mr. Cizmar. Second: Mr. Clebone.

Roll Call: Mr. Cizmar, Yes. Mr. Clebone, Yes. Motion carried.

Next business meeting is Thursday, June 20, 2019 at 7:30 a.m.

Next evening business meeting is Monday, September 16, 2019.

THERE WILL BE NO EVENING MEETING IN JULY OR AUGUST.

STEVE SHELTON, FISCAL OFFICER

ARNOLD CLEBONE, CHAIRPERSON