

The Board of Liberty Township Trustees met in Regular Session on Friday, May 24, 2024 at 8:30 a.m. with the following members in attendance, Mr. Arnold Clebone and Mr. Gregory Cizmar, presiding. Mr. Devon Stanley jointed the meeting at 8:45 a.m.

Motion to approve the minutes of the May 13, 2024 Regular meeting.

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

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

24-52 After 26 years of dedicated service with Liberty Township, motion to accept the resignation/retirement of Fire Inspector Captain Cathy Macchione effective May 31, 2024. Good luck in your retirement.

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

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

24-53 Motion to hire Matthew Kello as a part time Firefighter/EMT pending pre-employment drug testing, \$20.00 per hour, no benefits. The first day worked will be his hire date.

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

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

24-54 Motion to accept the resignation of Dan Paine (after 11 years of dedicated service) from the Road Department effective May 19, 2024. Best of luck!

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

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

24-55 (Tabled) MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF LIBERTY, OHIO (TRUMBULL COUNTY) and CHILDREN'S HOSPITAL MEDICAL CENTER OF AKRON

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made as of this day of May, 24, 2024, by and between the Township of Liberty, Ohio (the "City") and Children's Hospital Medical Center of Akron, an Ohio nonprofit corporation ("Hospital").

#### RECITALS

WHEREAS, Hospital is an Ohio nonprofit corporation with a mission to provide excellent health care services to the patients and communities it serves; and

WHEREAS, as part of that mission, Hospital serves a disproportionate share of low-income patients as determined under Title 42, Section 412.106 of the Code of Federal Regulations; and

WHEREAS, Hospital owns and operates one or more facilities located off its main campus in the Township's service area and is entering into this agreement with the Township to assure access to health care services to low-income individuals residing in the Township who are not covered or entitled to benefits under Title XVIII of the Social Security Act (the "Act") or medical assistance under an Ohio Medicaid State Plan.

NOW THEREFORE, in consideration of the mutual agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Incorporation of Recitals. The foregoing Recitals are incorporated herein as if fully set forth and rewritten herein.

Commitment of Hospital to Provide Indigent Care. During the term of this MOU, Hospital agrees to continue its commitment to provide health care services to low-income individuals residing in the Township's service area who are not covered or entitled to benefits under Title XVIII of the Social Security Act (the "Act") or medical assistance under an Ohio Medicaid State Plan.

#### Acceptance and Acknowledgement of the Township.

The Township agrees to accept Hospital's commitment as set forth above on behalf of and for the benefit of the citizens of the Township.

The Township acknowledges that Hospital is providing the health care services to low-income individuals at little or no reimbursement, regardless of their ability to pay.

Hospital Representations. Hospital represents that:

Hospital is a nonprofit corporation duly organized, validly existing and in good standing under the laws of the State of Ohio.

Hospital has the requisite corporate authority to execute this MOU and to perform Hospital's duties and responsibilities hereunder.

Term; Termination. The term of this MOU shall be effective as of the date set forth above and shall continue until terminated by either party upon at least sixty (60) days prior written notice to the other party.

Governing Law. This MOU shall be governed by and construed in accordance with the laws of the State of Ohio, without regard to conflict of law principles.

Notice. Any notices or other communications required or permitted to be given hereunder shall be deemed to have been properly given when delivered by hand or deposited in the mails if mailed by certified mail, postage prepaid, addressed as follows (or to such other addresses as a party may specify by due notice to the other part. Send to: Children's Hospital Medical Center of Akron

One Perkins Square, Akron, Ohio 44308-1062, Attn: Chief Financial Officer.

Motion to Table: Mr. Cizmar. Second. Mr. Clebone.

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

24-56 No objection for a liquor agency contract for Columbiana Foods, Inc, DBA Giant Eagle Belmont Ave., Liberty Twp., Ohio 44505 and request the Fiscal Officer return a certified notice to the Ohio Division of Liquor Control.

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

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

24-57 Motion to pass the following resolution for grass abatements:

**BE IT RESOLVED**, that the Board of Trustees hereby determines that the owner's maintenance of vegetation, garbage, refuse and other debris upon the following properties constitutes a nuisance:

Address:	Parcel No.:
3190 Fifth Ave	12-306641
3007 Green Acres	12-742281
700 Santa Monica	12-267780
501 E Liberty St	12-161100
500 E Liberty St	12-547450
424 Secrist	12-022715
432 Secrist	12-093350
1172 Academy Dr	12-051300

**BE IT FURTHER RESOLVED**, that notice of this Board's intent to provide for the abatement, control, or removal of said vegetation, garbage, refuse or other debris constituting said nuisance be given to all owners of the land and holders of liens of record upon said land in accordance with **Section 505.87 (B) O.R.C.**; and

**BE IT FURTHER RESOLVED**, that upon proper notice, and failure of the property owner to abate said nuisance within seven days, the Board of Trustees provide for the abatement, control, or removal of said vegetation, garbage, refuse or other debris constituting said nuisance in accordance with **Section 505.87 (B) O.R.C.**

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

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

24-58 Motion to add the appropriation line 2111-220-590-0070 in the Fire Fund for the State of Ohio Ambulance Transportation Work Force Relief Grant (23-131) for \$20,000.00 and reallocate those funds to the added appropriation Fire Salary line 2111-220-190-0070 for the same amount. This will accomplish requirement from State of Ohio to spend funds by June 30<sup>th</sup>, 2024.

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

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

#### **24-59 A RESOLUTION FOR A ONE YEAR MORATORIUM ON ADULT USE CANNABIS OPERATORS WITHIN THE UNINCORPORATED TERRITORY OF LIBERTY TOWNSHIP**

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacted new Chapter 3780 "Adult Use Cannabis Control" of the Ohio Revised Code, which legalizes adult use marijuana usage, cultivation, processing, and sales in the state of Ohio; and

WHEREAS, Chapter 3780 of the Ohio Revised Code became effective on December 7, 2023; and

WHEREAS, Chapter 3780 of the Ohio Revised Code defines "adult use cannabis operators and

**WHEREAS**, Ohio Revised Code Section 3780.25 authorizes a township to limit the number of or entirely prohibit, adult use cannabis operators within the unincorporated territory of the township; and

**WHEREAS**, the board of township trustees finds it to be in the best interest of the township to prohibit adult use cannabis operators licensed under Ohio Revised Code Chapter 3 780 within the unincorporated territory of the township for a one-year period.

Now, therefore, be it **RESOLVED**, as follows:

1) All terms used in this Resolution shall be defined in the same manner as Ohio Revised Code Chapter 3780, as it pertains to adult use cannabis. All terms used in this resolution but not defined shall be construed, for purposes of this resolution, in a manner to be consistent with the use of such terms in Ohio Revised Code Chapter 3780.

2) Adult use cannabis operators, including cultivators, processors, and dispensaries, are hereby prohibited from operating within the unincorporated territory of Liberty Township.

3) It is the intent of the Board of Township Trustees to prohibit adult use cannabis operators to the maximum extent permitted by Ohio Revised Code 3780.25 and any other applicable provisions of state law. This Resolution shall be construed in a manner that gives maximum effect to that intent.

4) This resolution shall remain in effect until the earlier of one year after its adoption or until such time that this Board repeals, modifies or extends this resolution.

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

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

24-60 Public Hearing 6196 Belmont Avenue, Girard, OH 44420

This is a Public Hearing held pursuant to Ohio Revised Code Section 505.86 at the request of the property owner, Ercole Marziani, who is challenging a demolition order issued for the property located at 6196 Belmont Avenue, Girard OH 44420, Permanent Parcel No. 12-100940 (the "Property") in Liberty Township.

Law Director Cherry Lynne Poteet is representing the Township. The following documents are presented to the Trustees as Exhibits by attorney Poteet:

1. A certified copy of Resolution 23-140 adopted by the Liberty Township Trustees at their meeting on October 27, 2023, declaring the structures on the Property to be unsafe and constitute a nuisance and threat to public health and safety and ordering their demolition.
2. A copy of the declaration of the Trumbull County Board of Health, adopted at their regular meeting on November 15, 2023, declaring the structures on the Property to be Unfit for Human Habitation.
3. A copy of the lien report for the Property dated January 17, 2024.
4. A copy of the letter sent by certified mail on April 22, 2024 to the Property owner, Ercole Marziani, notifying him of the order to demolish the property and right to request a hearing.
5. A copy of the letter from the Property owner dated April 30, 2024 requesting a hearing.
6. A Letter to the Property owner dated May 7, 2024 notifying him of the hearing set for May 13, 2024. The date of the hearing was agreed to by the Property owner in a telephone conversation on May 7, 2024.
7. Photographs of the structure taken by Zoning Inspector Jim Rodway.

The Property Owner, Mr. Marziani was sworn in presented his evidence and arguments to support his claim that the structures are not a nuisance and a threat to public health and safety and should not be demolished. The hearing was recorded electronically.

Mr. Marziani stated he bought the property in 1994 for speculation. He stated that right now as it stands it is a nuisance, but it could be rehabilitated. The house has been ransacked and stripped. There are no windows and no utilities. There is no water coming in through the roof, although there is water in the basement, but the foundation is good.

His goal is to make the repairs necessary to make the structure livable and to sell it. He doesn't have estimates of the total costs, but he thinks it would cost at least \$200,000.00 He knows it would need to connect to the sewer system because the septic system has failed, and when he spoke to the Trumbull

County Health Department years ago, he was told that would cost \$20,000. He would also need to connect to the water supply. He hasn't talked to the Building Department about permits. Animals have come in so it would need to be fumigated. He testified that the property needs a new roof, new siding, new windows, new plumbing and new electric. To be sold, he would need to add another bedroom, remove the chimney, add a deck and porch, and new bathrooms.

Mr. Marziani asked the Trustees to give him time to fix the structure and property. He is in the process of getting quotes to restore the home so he could sell it. He understands he'd have to hook up to the sewer line and would need to have all utilities working. He is willing to come up with plans to make the structure livable and can demonstrate he has the ability to pay for those improvements. Mr. Marziani asked for some time to obtain quotes. He submitted into evidence a quote to clean up the landscaping and a quote to remove the drywall, but he will need to get quotes for the other work. He also submitted a quote to demolish the structures. He doesn't know how long it would take to restore the property, because it is hard to get contractors right now. If it is not feasible to fix it, he will tear it down. It was explained to him that the Trumbull County Land Bank is seeking a grant, and if they receive the grant, the structures could be demolished and the cost paid for by the grant. He said he would consider agreeing to let the Trumbull County Land Bank demolish the structure if he finds he cannot accomplish the renovations but still maintains ownership of the property. The Trustees agreed to give him 2 weeks to bring in plans to the Zoning Inspector to rehabilitate the structures and provide proof of ability to accomplish those plans or decide to let the land bank remove the structure.

Discussion:

Road Superintendent Wayne Hickman discussed the Road Departments property and where it can be expanded for future growth. Trumbull Avenue will be closed for a culvert replacement from June 3rd through June 17th. The 2023 Paving Program is complete except for Hazelwood and the Fire Department's parking lot. Although we received complaints about the berm material used as a buffer between the road and property, it is necessary to extend the life of the road. The CDBG Townsend Project will be ready to bid out soon. Churchill Park rentals will begin this weekend. Wayne is asking for areas for traffic counts for next year's paving program. He is waiting for the county to extend the park improvement project otherwise the guys are busy with all aspects of road work.

Chief Toby Meloro is in the preliminary stage of looking into a reserve program and provided some information on the matter.

Administrator Martha Weirick reminded everyone of the June 13th Music in Churchill Park at 7:00 p.m. – the Youngstown Vegas Band is performing.

A resident spoke to the Trustees about an unpaved portion of March Avenue. The road is deteriorating and asked if they would consider paving it. Trustee Cizmar said he'd like to see it paved next year, along with the other roads in that area.

The owner of the Refuge spoke of the current construction happening on his property. He thanked the zoning inspector who made obtaining building permits easy. He wanted to let them know there are four-wheeled vehicles driving through his property after hours. The owner also said people are using his dumpster for their personal use. If the dumper is full, they just dump their garbage on the ground around the dumpster. The Zoning Inspector suggested moving the dumpster father back as a deterrent. The owner had expressed interest in the undeveloped property next to his facility owned by the township. He would like the Board to consider either allowing him to purchase or leasing the property so he can develop youth soccer fields, which could connect to Center Park.

Trustee Greg Cizmar said the graffiti has been removed from Churchill Park. He asked about Solar Farms. Are there any new regulations for smaller solar farms? The law director will look into the matter.

Trustee Devon Stanely requested to go into executive session to discuss compensation of public employees.

Trustee Arnie Clebone asked Captain Rivalsky, who sat in for the vacationing Fire Chief, to make sure the Chief or a Captain notify the Administrator or at least one Trustee, in a reasonable time, when there is a major occurrence in Liberty Township, like a house fire, rather than read about it on a social media site hours later.

Motion to adjourn into executive session to discuss the compensation of a public employees at 9:50 a.m.

Motion: Mr. Stanley. Second: Mr. Clebone.

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

Motion to adjourn from executive session and resume regular session at 9:57 a.m.

Motion: Mr. Cizmar. Second: Mr. Stanley.

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

Motion to increase the Road Superintendent's salary to \$72,800 annually effective 5/26/24.

Motion: Mr. Stanley. Second: Mr. Cizmar.

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

Motion to adjourn meeting at 9:59 a.m.

Motion: Mr. Stanley. Second: Mr. Cizmar.

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

Next meeting, May 31, 2024 @ 8:30 a.m.

Please check the township's website for any meeting cancellations [www.libertytp.com](http://www.libertytp.com)

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MATTHEW CONNELLY  
FISCAL OFFICER

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DEVON STANLEY, CHAIRPERSON