

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

June 9, 2008

HELD AT: Berlin Township House, 3271 Cheshire Rd., Delaware, OH

CALL TO ORDER: Phil Panzarella, Trustee Chairman

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Ray Armstrong

ROLL CALL: Phil Panzarella, Ron Bullard and Tom D'Amico.

ATTENDANCE: Ray Armstrong and Chris Paykoff

Public Comment: Panzarella reviewed the adopted rules for public comment, Resolution 05-07-44. He asked if anyone wished to make public comment. Hearing no request he moved on to the next agenda item.

Approval of Minutes

RESOLUTION 08-06-01

MOVE TO APPROVE THE REGULAR MEETING MINUTES FROM May 27, 2008 AND TO DISPENSE WITH THE READING

Motion: Bullard
Second: D'Amico
Vote: Panzarella yes, D'Amico yes and Bullard yes

CEMETERY

Storage Building- D'Amico said Larry Buell has provided some brochures on storage sheds. He said they include pricing and what he is looking at is around \$2600. Panzarella questioned where the storage unit would be located. D'Amico said he thought the Northwest corner. Panzarella asked if that was part of the platted cemetery. D'Amico said he was referring to the area where gravel and mounded dirt was. Panzarella said he would like D'Amico to find out if this was in fact part of the platted cemetery and if we are allowed to put anything there. Bullard asked if we would only be storing forms there. D'Amico said forms and some other miscellaneous items.

Gator (utility vehicle)- D'Amico asked if information was reviewed. Panzarella said there is not a list of requirements. He asked if it would be used by both the cemetery and the road department. He asked if both departments said if it meets their requirements. He said it could be a shared vehicle. He has to know the sharing arrangement, what they will be using it for and who will pay. D'Amico said Larry and Brodi have both discussed it. D'Amico questioned what funds could be used to pay for the utility vehicle. Cannon gave a brief explanation of funds that could be used and how percentage of would come it to figuring out what to charge each fund. Chris Paykoff said he brought this up four years ago. He said it could be used instead of the tractor at times because of its weight. He said it could be used to haul dirt or by the fire department for a rescue. He said it is an overall good piece of equipment. He said 4 wheel drive would be a necessity.

Prosecutor Letter- D'Amico asked if there was any response to the questions forwarded to the prosecutor. Panzarella said there has been no response to D'Amico's letter or subsequent calls. He said in the letter questions were asked about foundations, transfers and out of township sales. D'Amico said he asked Buell how many out of season pours he has done in the past before the Owens pour. Buell said none. D'Amico said the thinks we should not allow the out of season pours. Panzarella said until 1/1/2008 out of season pours have not been allowed. Panzarella said he has contacted other cemeteries and they are doing out of season pours. Panzarella said there is no basis to rescind. He said others allow them and he does not know why we don't. Bullard said in the rules of the cemetery there were 8 items mentioned. He said the May and September pours were verbally transmitted and not in the rules until the middle of 2007. He said we need to clarify from the prosecutor if we can change the rules for those that already have it. He said that also goes with the number of people in a grave. He said out of season pours was not in the rules. Bullard commented on the 13 pours done in one day in May. He said it can be taxing on the work crew. Bullard said there is a savings on cement. Paykoff commented that there is a minimum of 2 yards delivered. Panzarella said that is why we have had a discussion and have a surcharge for out of season pours. Panzarella questioned how many hours they spent with the machine on 13 pours. Paykoff said he doesn't think they were here 4 hours. Panzarella said the issue of out of season pours go hand and hand. He said

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there is still an issue of the different costs for square inch of foundations. He said the calculations for the 1x3 by 3x3 is .27 and other calculations are done using .40 cents. He said he assumes the difference is labor, material costs and maintenance. He said before you can define a proper surcharge you must know what it is made up of. He said he would like to know what is included in the .40 square inch. Bullard said there are a lot of questions and concerns with the legality of changing rules. Panzarella commented on the amount of money being carried over in the cemetery fund. He said to get the data and make an analysis. Cannon explained that the general fund has paid for most of the cemetery expenses. She said there is an object code for the cemetery within the general fund that pays for salaries, lawn care and other items. She said if she only used the cemetery fund there would not be a carry over. D'Amico said he thinks this topic is getting carried away. He said Larry Buell has been doing this for a long time and said it is not an exact science. He said the .40 cents can also include unknown and unexpected costs. Panzarella said his views are a business basis. He said he will not make up his mind because you say trust me. He said you should be able to define. D'Amico said with the Owens out of season pour he was left out of the loop. He said Larry have him a paper that shows a difference of approximately \$900. He said this is a clear example of a cost that the board might charge. Panzarella said that included variable and fixed costs. He said fixed charges should not be included. Panzarella said the variable charges of concrete and type of mix should determine the surcharge. He said we have to nail down this. The paper is all qualitative and what I want is quantitative. Bullard questioned how many out of township transfers would done. Cannon said last week she had four. Bullard said that was a compliment to the people running the cemetery.

FIRE DEPARTMENT

Registration of Boat- Panzarella said we will not have to register the boat because it is not for recreational use. Bullard asked if that was true for the trailer as well. Panzarella said he did not know.

Requisitions:

2008-05-06 is to Columbus Supply for 8 mustang survival PFD's and 1 orange throwable ring buoy for the fire/rescue boat. Panzarella said the requisition is for \$1751.60. Bullard said it did not include the 20% shipping/incidentals and suggested \$2100. He questioned if 8 PFD's were enough. Panzarella said they will be maintained in the boat and available to all firefighters and EMS. Bullard questioned anyone that was picked up. Panzarella said he has not seen the SOG.

RESOLUTION

08-06-02

APPROVE PURCHASE AND PAYMENT OF 8 INFLATABLE PFD AND 1 RING BUOY FROM COLUMBUS SUPPLY AMOUNT NOT TO EXCEED \$2100

Motion: Bullard

Second: D'Amico

Vote: D'Amico yes, Bullard yes and Panzarella yes

2008-05-07 is to West Marine for items to be used in the fire/rescue boat. They are radar system, anchor kit, low-freeboard fender, telescoping boat hook, safety harness, trim tabs, distress LED strobe light and emergency marine signal kit (required by ODNR).

RESOLUTION

08-06-03

MOVE TO APPROVE PAYMENT OF \$2996.18 TO WEST MARINE FOR ITMES TO BE USED ON FIRE/RESCUE BOAT 392

Motion: Bullard

Second: D'Amico

Vote: Panzarella yes, Bullard yes and D'Amico yes

2008-05-08 is to Galls for spotlight, speaker siren, spine board and binoculars all to be used on fire/rescue boat.

RESOLUTION

08-06-04

MOVE TO APPROVE PAYMENT OF \$779.91 TO GALLS FOR ITEMS TO BE USED ON FIRE / RESCUE BOAT 392

Motion: Bullard

Second: D'Amico

Discussion: Cannon verified that this was for Bruce Miley and or Glen Excavating.

Vote: Bullard yes, Panzarella yes and D'Amico yes

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2008-05-09 is to Phoenix Fire for uniform items for Steve Roberts.

RESOLUTION

08-06-05

APPROVE PAYMENT OF \$170.22 TO PHOENIX FIRE FOR UNIFORM PANTS AND POLO SHIRTS FOR STEVE ROBERTS

Motion: Bullard

Second: Panzarella

Vote: D'Amico yes, Bullard yes, Panzarella yes

2008-05-10 to VFIS of Ohio for refresher training for Lieutenant Sam Reda.

RESOLUTION

08-06-06

APPROVE PAYMENT OF \$150 TO VFIS FOR EMERGENCY VEHICLE DRIVER TRAINER INSTRUCTOR REFRESHER TRAINING FOR LEIUTENANT SAM REDA

Motion: Panzarella

Second: Bullard

Vote: Panzarella yes, D'Amico yes and Bullard yes

Fire Runs- Panzarella said the first week of June there were 7 runs, 4 fire and 3 EMS. To date there have been 59 fire and 77 EMS runs. Panzarella said there was a fire on RT. 37 this weekend which took a truck out of our township. He said another truck was manned for that time frame.

TIME CERTAIN 8:00 CONTINUANCE OF BZC CASE # 08-003

Adoption of Amendment Articles V, VI and XXI –XXX to the Berlin Township Zoning Text. Panzarella continued the BZC case and noted exhibit 6 proved the hearing was properly advertised. He said the board is continuing from our May 27th meeting because of some confusion. He asked for comments from the board. Bullard suggested that the zoning commission send a file of what they actually want us to vote on. D'Amico said we were all confused by the packet. He said he checked his file with the zoning legal file and had 3 pages missing from his file. Panzarella said besides format and content there are also a couple of items that are in conflict with each other. Panzarella relayed a couple of comments: Exhibit #2, Article XXII Section 22.02 appears to have two section B's, H's , G's and I's. This should be modified to have only one of each. Article 21.16.3(g) Expanded Home Occupations indicates one sign, not larger than 3 square feet and 5 feet in height above grade. Article 22.02 B, Section 1 states one sign not larger than 6 square feet and 4 feet in height above grade. He questioned if these were exclusive of one another or should they be the same. Panzarella also commented on Article 22.020 titled personal sale of goods, states sign is 6 square feet in size but states no height above grade. Panzarella said the board has the power to accept, modify or send back. Panzarella also noted that in his observation that temporary small business signs similar to expanded home business allowances for signs should be addressed by the BZC as soon as possible. He said it is unfair to treat two entities somewhat different.

Panzarella asked if there was any public comment. Hearing none he returned to the board. Bullard said when he looks at two pages they are different at the bottom. He was unsure what to use. In Section 21, page 9- concern with limited home occupation and no sign provisions. Armstrong said that is the way it has always been done. He questioned if they wanted things spelled out. Bullard also had concerns with Section 21, page 10 Item G, Section 22, Signs for expanded and home occupation need to be very clear. Bullard suggested having blank pages state BLANK.

Panzarella said the Zoning Commission is responsible for the organization and preparation of this packet. He said we can vote to accept which only needs one vote, or to reject or modify which both need to be unanimous. Panzarella asked if anyone wanted to propose a motion.

RESOLUTION

08-06-07

MOVE TO ACCEPT BZC CASE # 08-003

Motion: Panzarella

Motion dies for lack of a second.

Bullard asked D'Amico if he had any comments. D'Amico said he was listening to what steps we were going to take. D'Amico said section 22.02N square footage is not consistent with sign size. 22.02I sign size is a contradiction. He said there are inconsistencies with garage sale signs and how long they can be displayed. He said personal sale of goods

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should not allow anyone to put a for sale sign in their yard selling something. He said he would like for that to state or limit number of consecutive days. He said when you go through the packet it is easy to get confused over what the topic is. D'Amico also commented on section 22.05 and 22.03 Permitted Signs and 22.05 L. Panzarella said it is very difficult to follow. He said we want to hear from the BZC if they need help. He said the ZRC was formed for over a year for support. Panzarella said they may need some help. He said they should be asked and it should be identified with the board. He said it may be a legal review. Bullard said this was reviewed by legal counsel and regional planning. Panzarella said he finds it hard to believe it went through extensive review. He said they may have done section by section. He said their help should include organization.

**RESOLUTION
08-06-08**

**MOVE TO RETURN TO THE BERLIN ZONING COMMISSION
BZC CASE NUMBER 08-003 – COMMENTS FROM TONIGHT'S
DISCUSSION WILL BE LISTED IN THE CONCLUSION
LETTER – CASE TO BE RETURNED TO THE TRUSTEES AS
SOON AS POSSIBLE**

Motion: Bullard
Second: Panzarella
Vote: D'Amico yes, Panzarella yes and Bullard yes

Armstrong said he talked with Sedlacek about voting per section. He questioned if this should take a new number. Bullard said there are huge sections and said he could have passed if he knew what he was voting on. He said he would do anything to help the BZC. Panzarella said this concludes the continuance of BZC case #08-003.

FIRE DEPARTMENT

Vacancy Advertisement/Fill Plan- Cannon said an ad will be running this week for part-time firefighters. She said she gave the chief approximately 12 applications that have been submitted since January 2008. Panzarella said the fire department will pre-screen any applicants. He said he would like to hire by July 4th and our next meeting is not until July 12th. Cannon said that would not be sufficient time for uniforms, turn out gear physicals and etc. Panzarella said he did not know if we would be able to man the station for the 4th of July. He said he would work it out with the chief. He said he will be addressing with the board weekend and holiday coverage. He said once the budget is approved if he can prove that it does not jeopardize a 5 year plan he would like to move forward with weekend and holiday coverage. Bullard said he thought weekend and holiday coverage would be great. He said we tend to get in trouble when we rush things so he would like to wait until the July 14th for any interviewing of firefighters. D'Amico asked how short we are on weekend and holiday coverage. Panzarella said we don't have holiday and weekend coverage. He said we have been able to cover 96%. Bullard said we use call in coverage for evening, weekend and holidays. D'Amico suggested the chief doing interviews and providing us with recommendations. He said we can hire on July 14th. Bullard asked Panzarella the liaison over the fire department to get with the chief and provide us with the top 6 resumes. He said they should then be invited to the meeting for interviews. Panzarella said leave requested has been approved in the fire department and coverage is available.

2003 Dodge Durango- Panzarella said we have received a vehicle from the county at no charge to be used in the Fire Department. Panzarella said the County Commissioners in their meeting today passed Resolution No. 08-679. The resolution states Whereas, Delaware County has personal property not needed for public use; and Whereas, Delaware County may transfer such property to any political subdivision of the state in accordance to the Ohio Revised Code. Now Therefore be it resolved by the Delaware County Commissioners, Delaware County, State of Ohio, declare that the following excess property is not needed for public use and transfer it to Berlin Township, Delaware County, State of Ohio. 2003 Dodge Durango VIN Number 1D4HS38NXF501190. Panzarella said this saves \$15,000 in the fire department budget.

**RESOLUTION
08-06-09**

**MOVE TO ACCEPT THE PERSONAL PROPERTY A 2003
DODGE DURANGO VIN NUMBER 1D4HS38NX3F501190
FROM THE DELAWARE COUNTY COMMISSIONERS
RESOLUTION 08-679 – UTILITY VEHICLE IS FOR FIRE
DEPARTMENT USE**

Motion: Bullard
Second: Panzarella

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Discussion: Panzarella said it is a very nice vehicle with new tires, 4 wheel drive, boat hitch, emergency radio, and light kit. He said it has very recently been through the county service garage and inspected. Panzarella said the Delaware County stripe will be removed and Berlin Township added.

Vote: D'Amico yes, Panzarella yes and Bullard yes

FISCAL OFFICE

Cannon said she received an invoice to re-enroll in the group rating program offered by Frank Gates for 2009. The cost is \$4,310. She said Frank Gates helped them with recalculating full-time firefighter's costs and help get a refund from 2005 and 2006.

RESOLUTION

08-06-10

APPROVE PAYMENT OF \$4,310 TO FRANK GATES FOR GROUP RATING FEE – INVOICE FG32120204-09

Motion: Bullard

Second: Panzarella

Vote: Panzarella yes, Bullard yes and D'Amico yes

Budget- Cannon said she received figures from Panzarella for the fire department and expenses for the zoning office from Ray Armstrong. Cannon said her office has prepared revenue and expenditures for 2009 for all funds. Cannon said the budget hearing has been set for July 14th at 7:15. She said there has to be a public display for 10 days prior to the hearing. All items prepared by the Fiscal Office, Phil Panzarella and Ray Armstrong will be on display in the Fiscal Office for public viewing.

ROAD DEPARTMENT

Bullard said the F-350 and Street Sweeper will be discussed at the July meeting when Mike Hart is back.

Road Paving status- Bullard reported on the status of the road resurfacing. He said Curve Road is half way complete. Roloson is fully paved and we are fixing the pavement by mailboxes. He said Brodi is working on the berm. Bullard said we received an road closing release from the County Engineer regarding Piatt Road. Bullard said he would like to compliment Brodi on his attention to road resurfacing. He said they were making it thinner in the middle and thicker on the outer edges to prevent breakage. Bullard said Sweeney Road has a couple of big pot holes. He said we need to discuss how much we want to spend on a road that we don't have the ROW on.

TRUSTEE ITEMS

Audit Committee- Panzarella said Mike Dickey has confirmed he will chair the committee. He said we need 2 more members. He said he is familiar with audits and that his firm has done this before. Panzarella asked if there were any private citizens that could do this. He said we have had a repeat comment on our audit about forming such a committee. He suggested bringing names to the next meeting. He said this would involve one maybe two meetings.

E-mail problems- Panzarella said the problem with the email being down was the service we use not the internet. He said they had a fire/explosion and it took three days to come back up.

Legislation Status- Bullard said he has talked with State Representative Jon Peterson who relayed to him that HB 458 was passed by the House and is on to the Senate. He said that HB 521 probably won't go anywhere this year.

Intergovernmental Draft Agreement- Panzarella said the agreement has to do with two townships splitting collected taxes. He said a former auditor's opinion was the taxes go where the driveway is. He said Liberty Township and Berlin Township asked the Prosecutor to work out a way to share property taxes. He said it is a 60/40 split between Liberty and Berlin. He said one reason for the higher percentage going to Liberty is because they have a ladder truck. Panzarella said as he understands it the mechanism of pay will come from Liberty's general fund. He said it will be enforced for 10 years. Panzarella asked the board to accept the draft contract.

RESOLUTION

08-06-11

APPROVE THE DRAFT SERICE CONTRACT DATED 6/2/2008 BETWEEN BERLIN TOWNSHIP AND LIBERTY TOWNSHIP FOR THE P&D BUILDERS PARCELS ON GREIF PARKWAY

Motion: Panzarella

Second: Bullard

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Vote: Bullard yes, D’Amico yes and Panzarella yes

ZONING DEPARTMENT

Job Descriptions- D’Amico said he has provided job descriptions for the zoning office. Panzarella said they should all be in the same format. He said he would forward the format to D’Amico. Any comments regarding the job descriptions would be made at the next meeting.

New Application for Variances- Armstrong said the 5 page application was reviewed by legal counsel and said to be “comprehensive”. Bullard asked if Mike Morrill reviewed it. Armstrong said both he and Morrill reviewed it.

RESOLUTION

08-06-12

ACCEPT AND APPROVE THE NEW 5 PAGE BZA APPLICATION FOR VARIANCES AS INTRODUCED TO US BY RAY ARMSTRONG AND MIKE MORRILL

Motion: D’Amico
Second: Bullard
Vote: Panzarella yes, Bullard yes and D’Amico yes

BZA Appointment- Panzarella said he tried to get a hold of Mr. Morrill because he heard the gentlemen may want to continue. D’Amico said Morrill called him and they had a conversation regarding a new appointment.

RESOLUTION

08-06-13

MOVE TO PROMOTE JOE KORLESKI FROM ALTERNATE TO BERLIN ZONING APPEALS MEMBER

Motion: D’Amico
Second: Bullard
Vote: Bullard yes, D’Amico yes and Panzarella yes

D’Amico said the role of alternates or those not appointed or hired will be discussed at the next meeting.

Newsletter- D’Amico said in the next newsletter he would like to get input from residents regarding a slogan for our township. He thought that would be fun and exciting.

FUTURE MEETINGS- Panzarella said he has attended several meetings on the Trustees behalf. He said there is a Outdoor Siren Meeting June 13th that Bullard will possibly be attending.

LATE ITEMS- Panzarella said he would like to publicly thank Judy Shumway for getting and planting the flowers around the township hall.

RESOLUTION

08-06-14

THANK JUDY SHUMWAY FOR THE PLANTING OF FLOWERS AT THE TRUSTEE AND ZONING WALKWAYS

Motion: Panzarella
Second: Bullard
Vote: Bullard yes, Panzarella yes and D’Amico yes

Maintenance needs - Bullard said Brodi has done an excellent job with Mike Hart gone. Panzarella said we could possibly use a casual labor in the road department to fill in like what Chris Paykoff has been doing.

T&R Files- Bullard questioned if we ever received the legal files from the prosecutors office. Panzarella said we had written a letter but have never been contacted.

Microphones- Panzarella said we may need to put a small hole in the wall and harness the microphone wires. He said we could then leave the system in place.

Change of vendor- Cannon said Armstrong turned in an expense report where he personally paid for the new microphone system. She said the resolution that was previously made was to the vendor NADY.

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**RESOLUTION
08-06-15**

APPROVE THE CHANGE OF VENDOR ON RESOLUTION 08-03-07 FROM NADY TO RAY ARMSTRONG FOR THE PURCHASE OF WIRELESS MICROPHONES

Motion: Bullard
Second: Panzarella
Vote: D'Amico yes, Bullard yes and Panzarella yes

Panzarella asked if there were any other late items.

**RESOLUTION
08-06-16**

MOTION TO ADJOURN

Motion: Bullard
Second: Panzarella
Vote: D'Amico yes, Panzarella yes and Bullard yes

Meeting adjourned by Chairman Panzarella at 9:55 p.m.

Phil Panzarella, trustee

ATTEST:

Ron Bullard, Trustee

Theresa Cannon
Fiscal Officer

Tom D'Amico, Trustee