

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Regular Meeting**

**January 28,**

**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, Mike hart, Gary Stegner, Eldon Johnston, Bill Bechstein, Scot Stephens and Chris Paykoff

**Public Comment:** Panzarella reviewed the rules for public comment as published in Resolution 05-07-44 and posted on township bulletin board. Hearing no request for public comment the board moved on to the next agenda item.

**Approval of Minutes**

**RESOLUTION  
08-01-54**

**MOVE TO APPROVE THE REGULAR MEETING MINUTES  
FROM JANUARY 14, 2008 AND TO DISPENSE WITH THE  
READING**

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

Panzarella noted there was a time certain road meeting at 7:15 and asked the board if they wished to move on to the next agenda item.

**CEMETERY**

No comments were made.

**FISCAL OFFICE**

Cannon said she received the one year service agreement invoice for \$787.00 with Accent Communications and asked the board if they wished to continue the telephone service.

**RESOLUTION  
08-01-55**

**MOVE TO APPROVE 1 YEAR SERVICE AGREEMENT WITH  
ACCENT COMMUNICATIONS FOR \$787.00 FOR  
TELEPHONE SERVICE**

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

Cannon said she has received an invoice from Loveland & Brosius. Panzarella said there are certain issues the County Prosecutor has to recuse themselves from when dealing with multiple entities from the county. Other items include zoning and zoning training, personnel issues and general annexation. Bullard asked who would be managing the expenditures. Panzarella said the chair handled all legal matters in the past and said he would continue that process.

**RESOLUTION  
08-01-56**

**MOVE TO RETAIN THE FIRM OF LOVELAND AND BROSIUS  
FOR LEGAL SERVICES TO INCLUDE ZONING, ZONING  
TRAINING, PERSONNEL, GENERAL ANNEXATION  
SUPPORT AND ANY ISSUE WHRER THE PROSECUTOR'S  
OFFICE HAS TO RECUSE THEMSELVES- AMOUNT  
APPROPRIATED FOR SUPPORT SET AT \$10,000 WITH  
THE CHAIRMAN BEING INCHARGE OF EXPENDITURES**

Motion: Bullard  
Second: Panzarella  
Discussion: Panzarella said there is no requirement to spend.  
Vote: Panzarella yes, Bullard yes and D'Amico yes

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Cannon said she has received an assessment from Ohio Department of Commerce on behalf of the VFFDF. She said the assessment amount is for \$150.00. She said the VFFDF has fallen below an acceptance level and pursuant to the Ohio Revised Code we can be assessed.

**RESOLUTION  
08-01-57**

**MOVE TO APPROVE \$150 PAYMENT TO THE TREASURE,  
STATE OF OHIO FOR THE ASSESSMENT FOR THE VFFDF**

Motion: Panzarella  
Second: Bullard  
Discussion: Panzarella commented that we don't see the books on this and asked the chief to find out about the need for an assessment and what the probability was.  
Vote: D'Amico yes, Panzarella yes and Bullard yes

Cannon said she has received the 2007 Berlin Township Highway System Mileage Certification. Cannon said the certification is for 34.22 miles and added no increase in mileage occurred in 2007. Cannon said the Trustees need to sign the certification and she will forward it to Michael Greenwood with Ohio Department of Transportation.

**RESOLUTION  
08-01-58**

**MOVE THAT THE TOTAL CERTIFIED MILEAGE AT THE END  
OF CALENDAR YEAR 2007 FOR BERLIN TOWNSHIP WAS  
34.22 WITH NO INCREASE IN MILEAGE FOR 2007 AND  
THAT WE ARE RESPONSIBLE FOR MAINTAINING 34.22  
MILES OF PUBLIC RAODS.**

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

**ROAD DEPARMENT**

Bullard said we have used the previously approved 300 tons of road salt and suggested ordering an additional 200 tons.

**RESOLUTION  
08-01-59**

**MOVE TO APPROPRIATE FUNDS AND PURCHASE 200  
TONS OF ADDITIONAL SALT FROM AMERICAN ROCK SALT  
CO., AT THE CURRENT RATE OF \$50.00 PER TON TO BE  
DELIVERED AS NEEDED BY THE ROADS DEPARTMENT**

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

**TRUSTEE ITEMS**

Employee handbook status- Bullard said he has given Judy Shumway his inputs. Cannon to inquire status.  
Cemetery Digital Data Base Status- Cannon to contact Shumway for status.

**7:15 TIME CERTAIN JOINT ROAD MEETING**

Panzarella said we have a good working relationship with the 4 townships that surround us. He said there are logically split roads in Berkshire, Brown, Liberty and Orange Townships that we split the care of. He said he is not suggesting any changes. He said if changes are needed we can discuss, and get new agreements for the present year.  
Bullard read Berkshires agreement for 3B's & K road. Panzarella said he has sent a letter to Berkshire to consider having a meeting to discuss the new schools and bus garage that will be built. He said the road will have a lot of traffic. Panzarella said both townships will have to put money into the roads and added traditionally the schools are not interested in our problem with roads being torn up. Bullard suggested putting a cover letter with the agreements and sending them out. Panzarella said we should ask the agreements be returned within one month. Johnston commented that there is nothing about drainage or cross over driveway pipes in the agreements. Bullard said if it comes up we talk with townships. Panzarella asked Hart if the process was broke. Hart said he did not think so. Panzarella said then we shouldn't fix it.  
Bullard asked for a 5 minute recess. Panzarella granted the recess.  
Panzarella called the meeting back to order.

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**RESOLUTION  
08-01-60**

**MOVE TO KEEP THE SAME ROAD AGREEMENT WITH  
BROWN TOWNSHIP**

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

**RESOLUTION  
08-01-61**

**MOVE TO KEEP THE SAME ROAD AGREEMENT WITH  
ORANGE TOWNSHIP**

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

**RESOLUTION  
08-01-62**

**MOVE TO KEEP THE SAME ROAD AGREEMENT WITH  
LIBERTY TOWNSHIP**

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

**RESOLUTION  
08-01-63**

**MOVE TO KEEP THE SAME ROAD AGREEMENT WITH  
BERKSHIRE TOWNSHIP**

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

Panzarella concluded the joint road meeting and thanked Brown Township for attending.

Trustee Stegner from Brown Township said that the moving of the house on Potter Farm may require we close the road for ½ an hour. Hart said we will need a call about the date and time. He said there was no problem with the closing.

Bullard said Smiley has said they will close Glenn Road for about 5 hours.

**FIRE DEPARTMENT**

Panzarella verified that everyone had the fire run report for last year. He said to date there have been a total of 6 runs two fire and four EMS. He said we are keeping track of mutual aid given and received as well.

Training- Panzarella said the State of Ohio has set a new precedent for training. He said the department is taking steps and will teach this curriculum. Bechstein said we have a firefighter that also works at a different station that will be taking fire instructor classes and has requested he be paid for days he is not paid at his other station. He said there would be positive benefits for us. Bechstein said for the first time in history the State of Ohio is setting standards for firefighters. He said as of 1/24/08 there is a new bill that provides all certified firefighters maintain certification hours not dictated. He said they must be certified by the chief. Bechstein said any firefighter with a felony or misdemeanor will have their card pulled and they can no longer be a firefighter. Bechstein said we have established training at the station and added that it is accredited by the State for continuing education and training. He said Mr. Arnold is becoming a certified instructor. He said it is not required at this time but will be. He said Arnold will be one of our instructors and believes it to be in the best interest of the fire department to pay for his time while he is in class. He said we will be able to utilize his skills at a part-time pay rate. Panzarella said we will be paying for ½ the days or 8 hours for 6 days.

**RESOLUTION**

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**08-01-64**

**MOVE TO APPROVE PAYMENT OF 48 HOURS OF REGULAR PAY FOR STEVE ARNOLD WHILE HE ATTENDS TRAINING COURSE**

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

Compensation time for Full-Time Firefighter  
Panzarella said in the organizational meeting we discussed compensation time however the fire department was excluded because we want coverage at he station. Panzarella said he has been told that any comp time taken by the full-time firefighter will be when 3 others are working at the station. He said no comp time will be carried forward and must be approved by the chief and one trustee. Bechstein asked if there was a maximum amount of comp time that could be accrued. Panzarella said that was a good observation and the board would address it later. Bechstein asked who would decide if overtime or comp time was used. Panzarella said since you are the department head establish a policy. Panzarella said while comp time is an option, department heads and trustees must approve. Panzarella said he personally leans towards paying overtime. He said he wants to make sure the department can fully man a truck.

**RESOLUTION**

**08-01-65**

**MOVE TO APPLY COMPENSATION TIME FOR FULL-TIME FIREFIGHTERS THE SAME AS WE HAVE ESTABLISHED FOR OTHER EMPLOYEES OF THE TOWNSHIP**

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

EMS Status  
Bechstein said he was under the impression the agreement is in the Counties hands and they will be contacting the Trustees. Panzarella said he has had discussions and the County would like a multi-year agreement. Panzarella said there are concerns regarding utility costs.

Requisition  
For the scrubbing, stripping, waxing and buffing of tile floors in the training room, kitchen and hallways. Panzarella said the chief does not want to go with a yearly fee at this time. They do not know how often it will need to be done.

**RESOLUTION**

**08-01-66**

**MOVE TO APPROPRIATE AND APPROVE PAYMENT OF \$420 TO COMMERCIAL BUILDING SERVICES FOR THE SCRUBBING, STRIPPING, WAXING AND BUFFING OF TILE FLOORS IN THE FIRE STATION**

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

Bullard inquired with the chief why the concrete pads were not cleared of the snow one day last week. He said the sidewalks were done but not the pads. Panzarella said he thought that is what the snow thrower was purchased for. Bechstein said he did not have an answer for the board at this time.

**TRUSTEE ITEMS**

Architect Selection Status for Ball field- Bullard said he will talk with those that have previously been working on the ball field and report back at the next meeting. Panzarella said O'Brien left his copies of the two architect proposals we received. He said he would get them to D'Amico. He said the previous board was looking at 1 parcel, with 4.5 acre field or 8 acre field and a 16 acre field. He said the board has to decide what they want to do.

Holiday exchange- Panzarella asked about the holiday exchanges. It was confirmed that the township employees will be working Presidents day and taking the Friday after Thanksgiving off. They will also work Columbus Day and take 1/2 day of both December 24<sup>th</sup> and

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December 31<sup>st</sup>. Panzarella said there will be posting on the doors when the township is closed.

Job Descriptions- Panzarella said in anticipation of getting an employee manual established formal job descriptions are needed for all employees. He said the format of the fire department job descriptions should be followed. Bullard said that was an excellent idea. Panzarella said they will be part of the employee handbook. Bullard asked how we would get them. Panzarella said D’Amico would be in charge of zoning, cemetery and custodian and Bullard of the roads department. There was some question of BZA or BZC members and Armstrong said it was covered in Section 26 and 28 of the zoning resolution book. Bullard said Ray and Cathy do work other than zoning. D’Amico said the all encompassing statement “Other assigned duties from Trustees” could be included. Bullard said he wanted to make sure the work they do is covered. Panzarella said he is asking for job descriptions for the employee handbook.

Fiscal Officer- Panzarella said the term for Theresa Cannon, Fiscal Officer ends March 31, 2008 by state law. He said it would be wise to see if Theresa would like to continue until the next period which would be December 31, 2009.

**RESOLUTION  
08-01-67**

**APPROVE APPOINTMENT OF THERESA CANNON TO THE POSITION OF TOWNSHIP FISCAL OFFICER UPON COMPLETION OF HER TERM ON MARCH 31, 2008 AT THE ESTABLISHED STATE RATE OF \$21,243 AND ALLOWED BENEFITS (BASED ON LAW AND BUDGET IN EFFECT). TERM TO RUN THRU DECEMBER 31, 2009**

Motion: Bullard  
Second: D’Amico

Discussion: Bullard said the end of the term would be the certification date of the election. Panzarella said we can amend the date if needed. D’Amico asked if it would carry until March 31, 2010. Panzarella said the state allows the hiring of an assistant.

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

**ZONING ITEMS**

Camera- D’Amico said the zoning camera is broken. He said Armstrong has researched costs and said a good replacement would be between \$149.00 and \$179.00 with a \$25.00 memory card. Bullard asked about state bid for cameras. Armstrong said there are multiple vendors listed but no prices. Panzarella asked if they had a way of borrowing a camera. Armstrong said he has been using the road department’s camera. Panzarella suggested he talk with the zoning liaison and bring it back to the meeting in February.

Zoning Clerk- D’Amico said Linda Paxton, zoning clerk is resigning. Rick Sedlacek has talked with her and she will stay on for the February meeting and possibly the March meeting. D’Amico suggested advertising as soon as possible for the position. Panzarella said we will advertise in our paper of record.

**RESOLUTION  
08-01-68**

**AUTHORIZE THE FISCAL OFFICER TO RUN AN AD TO APPEAR IN THE DELAWARE GAZETTE TWO TIMES FOR A ZONING BOARD CLERK WITH THE PAY RATE OF \$50 PER MEETING AND \$12.85 TO TRANSCRIBE MINUTES**

Motion: D’Amico  
Second: Bullard

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

**8:30 TIME CERTAIN – PIATT ROAD DITCH DRAINAGE**

Eldon Johnston from the County Engineers office said there are some questions in design and Scott Stevens from Delaware County Sewer and Water is here to coordinate and see what the trustees think the future would be for the Piatt Road ditch drainage. Stevens said the watershed that was submitted to the Commissioners in late 2003 early 2004 is for 2 major portions of Piatt Rd. or 2 distinct areas; the church and the area to the north. He said plans done in 2004/2005 were put on hold. He said there were some questions regarding the widening of Piatt, evaluation of petition to the County Commissioners and work to be done outside of the right-of-way. He said a lot of work needs to be done to make this work.

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Bullard said there are a couple of ways to do the design; assume the road is done and assume the road is not done. Johnston said the plans engineered for road references ditch petition for an outlet. Panzarella questioned that the petition in 2003/2004. Stevens said the initial petition. He said there have been changes to drainage since then including the church being built as well as culvert changes. Panzarella said we are not getting water over the road. Paykoff said the church redirected tile. Bullard asked if the pond at McNamara helped. Paykoff said the water level needs lowered. Panzarella asked if they would do a design for the present right-of-way or a new road. Stevens said he would like to know what direction or future plans the trustees have. Stevens reviewed the aerial map with trustees. He said there is an 8 inch underground tile around 35 and 33. Panzarella said a problem we have along Piatt is we don't have right-of-way. He said he knows that the county has spent money on a road design. He said the best we can so with the ditches is working with whatever we have in the right-of-way now. He said he didn't know if that could include; ditches covered, deepened, surface drains or any other means. He said he didn't know what could improve the lots on the west side of the road. Panzarella said we can only spend money in the right-of-way that we own. Bullard referred to the 8 inch line and asked if they were thinking of enlarging. Stevens said it is serving as a storm sewer and is not sufficient. He said they are usually 24-36 inches. Bullard said it should be changed to 2 foot tile. Stevens said all owners would pay and assessment and the township would receive an assessment for right-of-way improvements. He said the degree of drainage charges in rural vs. right-of-way is very different. Johnston said one of our biggest concerns is the water on the west side of the road. He said nothing will alleviate it but it will drain quicker. He said those people will be assessed equally for their property. Panzarella asked if there was any way to direct the water. Stevens said a concern is doing something outside of the right-of-way will lead to resident issues. D'Amico asked why the right-of-way was a sticking point. Stevens said because of ditch petition laws. D'Amico commented that typically drainage problems are in the right-of-way. Panzarella asked if there was an engineer study. He said on a previous road improvement we found out about costly right-of-way purchases. D'Amico said we could get land donations. Stevens said you may want to get residents to discuss at a meeting. Paykoff said a lot of the problems on the west side of the road deals with driveways culverts were put in too low. He said 60-70% of the water problems could be fixed. Bullard said we could do like we did around Plumb Road. Panzarella said we didn't do an engineering analysis and that little project was expensive. He said to get an estimate to substantiate that 70% of the water problems could be solved suggested getting an independent study. He said we should see if we could obtain or hire a firm to get additional right-of-way. Bullard said we should compliment work being done with other projects. Looking at the map Bullard said he understood the cost would be shared but questioned how amounts were figured. Stevens said there are three basic factors: Acres in the watershed, percentage of use in improvements and the land use. Stevens broke up the land use into agriculture, business, woodlands and residential. Bullard asked about the cost of this size of project. Stevens said he could not put a price on it yet. He said it would be 6 figures. Panzarella said the only way we could do this is with an OPWC grant. Panzarella suggested working with what we have. He said we should get estimate about the driveway pipes. Johnston said to keep in mind with easements utility relocations my need to occur. Panzarella commented that the township has paid a lot of money relocating water and gas lines outside of right-of-ways. Bullard said he would work with Glenn Excavating and Mike Hart to see what makes sense. He said we can only piecemeal now. Stevens asked if the Trustees would be interested in doing the whole project if they could secure OPWC money. He said he is cautious to do something half way. Bullard said there are a couple of large parcels there and with the county extending sewer we could see more roof tops added and the plan we come up with today needs to work for the future. Panzarella requested that the county size out of road right-of-way pipe to improve ditch drainage. He said we will find out about the possible 70% suggestion of driveway pipes. He said then we can discuss the road improvement project. He said we should come back and see what we can do in stages. Bullard suggested meeting in one month. Stevens said they are looking at satisfying the residents. D'Amico said if they want improvements they may give land.

Hollenback Road- Stevens said there is a culvert deep under the pavement approximately two feet deeper than it should be. He suggested doing an excessive cut of 3 to 3 1/2 feet deep and resetting the culvert at a higher elevation with a 24X38 elliptical culvert. Johnston said the county shares 24-48 so it would probably be a shared cost. Stevens said a preliminary estimate would be between 12 and 15 thousand to replace. Panzarella questioned if the township would pay for half. Bullard questioned prevailing wages. Stevens said this is exempt from prevailing wage. Stevens said you will receive certified letters from the county commissioners regarding a final hearing.

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**BZC/BZA Applications-**

D'Amico said we have to decide how many positions to fill. He suggested 5 minute interviews from applications. Panzarella said 2 BZC and 2 pending on the BZA. He said in the BZA there is one member whose house is for sale and another whose term is up in March. He said we are fortunate to get 7 applications and suggested using as many as we can. D'Amico suggested he call and schedule interviews at the 2/25/08 meeting. Bullard said he is happy to do it on February 11<sup>th</sup> if they can't come on the 25<sup>th</sup>. Panzarella suggested no more than 3 for the 11<sup>th</sup>.

**LATE ITEMS**

Paykoff brought the scuff marks on the doors to the Trustees attention. He suggested they get kick plates for the doors.

**RESOLUTION**

**08-01-69**

**APPROVE THE PURCHASE OF 6 BRASS PLATED KICK PLATES FOR TOWNSHIP DOORS AT GRAINGERS TO HELP WITH SCUFF MARKS**

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

Paykoff also said there are a couple of leaks in the eave spouts in the front of the building. He said dirt has been running onto the driveway because of one of the leaks. Panzarella said a letter was sent to Mike Dickey confirming his participation with the audit committee. Panzarella said he has received information about a regional MORPC meeting. He said an update on recycling, transportation and watershed will be discussed.

**RESOLUTION**

**08-01-70**

**APPROVE \$60 FOR ONE TRUSTEE TO ATTEND MORPC REGIONAL MEETING**

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

**RESOLUTION**

**08-01-71**

**MOTION TO ADJOURN**

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

Meeting adjourned by Panzarella at 9:45 p.m.

\_\_\_\_\_  
Phil Panzarella, trustee

ATTEST:

\_\_\_\_\_  
Ron Bullard, Trustee

\_\_\_\_\_  
Theresa Cannon  
Fiscal Officer

\_\_\_\_\_  
Tom D'Amico, Trustee