

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

October 13, 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 Judy Shumway

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

ATTENDANCE: Judy Shumway and Brodi Irwin

Public Comment: Panzarella reviewed Resolution 05-07-44 which pertains to how public comment is conducted at Berlin Township Trustee meetings. Panzarella asked if anyone wanted to make public comment. Hearing no comment Panzarella entertained a motion for the approval of minutes.

Approval of Minutes

**RESOLUTION
08-10-01**

**MOVE TO APPROVE THE REGULAR MEETING MINUTES
FROM SEPTEMBER 22, 2008 AND TO DISPENSE WITH THE
READING**

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

FISCAL OFFICE

Cannon provided copies of a Second Amended Certificate of Resources filed with the County Auditor. Cannon said changes were needed to reflect updated receipts and anticipated expenditures. Cannon said the majority of the receipts are from estate tax, interest, grant and a refund from Workers Compensation.

**RESOLUTION
08-10-02**

**MOVE TO APPROVE THE SECOND AMENDED CERTIFICATE
OF RESOURCES FILED WITH THE COUNTY AUDITOR FOR
\$4,226,822.12**

General Fund	\$2,681,642.92
M.V. License Tax Fund	\$ 20,744.63
Gasoline Tax Fund	\$ 198,536.70
Cemetery Fund	\$ 62,646.01
Zoning Fund	\$ 90,445.92
Permissive Tax Fund	\$ 102,458.83
Capital Project- Parks	\$ 24,800.00
Fire Fund	\$ 1,044,047.11
Note Payable – Hollenback Rd.	\$ 00.00
Note Payable- Piatt Rd.	\$ 00.00
Grant 2902	\$ 1,000.00
Grant 2903	\$ 500.00
	\$ 4,226,822.12

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

**RESOLUTION
08-10-03**

**MOVE TO APPROVE APPROPRIATIONS OF SECOND
AMENDED CERTIFICATE OF RESOURCES BY FUND AS
STATED ABOVE-\$4,226,822.12**

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

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CEMETERY

Panzarella said he heard from the Prosecutor’s office today. He said they assured him the letter previously sent would be answered by our next meeting. D’Amico asked about the status of a storage unit or gator vehicle for the cemetery. He asked if he should pursue to see if they are still needed. Bullard said the golf cart is now working. D’Amico said he would get with Buell. Panzarella said the board was never given a location for the shed. He said the proposed placement was problematic. Panzarella said one question with the gator was if it was to be shared with other departments what account would be used to pay for the vehicle.

FIRE DEPARTMENT

Requisitions- Panzarella said there was an emergency repair on the grass truck. He questioned the chief if it would be turned in as a claim to the insurance company. Cannon said she received a memo from Bechstein that said they discovered the windshield crack in the Grass Truck 391. The truck was used during the wind storm. The crack obviously started small and unnoticed in the upper right corner and traveled down the window. The cost of the repair is \$188.95. Bullard commented he noticed the crack the day of the storm. Cannon said she can turn it into the insurance. Bullard told the board that Graham Ford was closing and said the fire department might need to find another vendor. He said they have taken the truck there for repairs. Panzarella said there are two requisitions the chief resubmitted. He said there were questions if the money could be used from the grant. The chief received a letter from the state extending the use of the funds.

RESOLUTION

08-10-04

APPROVE REQUISITION 2008-09-02 FOR \$719.98 TO GALLS FOR A WATER RESCUE MANIKIN- FUNDS TO COME FROM EMS GRANT

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

RESOLUTION

08-10-05

APPROVE REQUISITION 2008-09-05 FOR \$191.98 TO GALLS FOR A KODE 2 EXTRICATION DEVICE- FUNDS TO COME FROM EMS GRANT

Motion: Bullard
Second: D’Amico
Discussion: Panzarella said he will talk to the fire department regarding reviewing dates of when Grants expire.
Vote: D’Amico yes, Panzarella yes and Bullard yes

RESOLUTION

08-10-06

APPROVE REQUISITION 2008-10-01 FOR \$48.00 TO PRECISION ALIGNMENT & TIRE FOR TIRE ROTATION AND BALANCE FOR THE GRASS TRUCK

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

RESOLUTION

08-10-07

APPROVE REQUISITION 2008-10-02 FOR \$129.60 TO PHOENIX FIRE SERVICE SYSTEMS, FOR 2 NAVY BLUE UNIFORM PANTS AND 2 NAVY BLUE POLO SHIRTS FOR CONNIE REDA

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

RESOLUTION

08-10-08

APPROVE REQUISITION 2008-10-03 FOR \$2,880.00 TO GRADY MEMORIAL HOSPITAL –OHIO HEALTH FOR FIREFIGHTER PHYSICAL EXAMINATIONS FOR BECHSTEIN, NEWCOMB AND BENSEN

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Motion: Panzarella

Second: Bullard

Discussion: Bullard asked how often the firefighters need physicals. Panzarella said every three years. He said they can have a physical like this or if they work for another fire department they can have a copy sent to us. He said there is an SOG that states the force is physically fit. Bullard questioned why we couldn't do this at the organizational meeting. Panzarella said he will ask the chief to possibly identify who would need a physical in 2009.

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

RESOLUTION

08-10-09

APPROVE REQUISITION 2008-10-04 FOR \$226.74 TO SAFELITE GLASS CORPORATION FOR AN EMERGENCY REPAIR TO GRASS TRUCK 391 WINDSHIELD

Motion: Bullard

Second: D'Amico

Discussion: Bullard suggested approving the requisition even though it is being turned into the insurance as a claim.

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

RESOLUTION

08-10-10

APPROVE REQUISITION 2008-10-05 FOR \$129.60 TO PHOENIX FIRE SERVICE FOR 2 NAVY BLUE UNIFORM SHIRTS AND 2 NAVY BLUE POLO SHIRTS FOR CRAIG HALL

Motion: Panzarella

Second: Bullard

Discussion: Panzarella said the chief certifies old uniform items to verify they are no longer serviceable. Panzarella said he and the chief go over reports monthly to make sure they do not exceed balances.

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

Panzarella said a leave request was submitted by firefighter Pichert. He said the chief has signed off on it and stated coverage is available.

Panzarella said one of the new hires in July, Travis Burwell has yet to turn in any paperwork. He said the chief will report to the board if he fails to do this by the end of the week.

Panzarella said the fire department completed more training on the boat today.

Bullard questioned if anything else was needed for the open house. Panzarella said he did not think so. D'Amico asked Panzarella to check with the chief regarding a place for him to set up his grill.

Bullard said the Zoning Office has plans for the new County EMS Station that will be built on 36/37. Panzarella said there are slight problems with sighting a driveway. He asked Mr. D'Amico to get up to speed with the plans.

ROAD DEPARTMENT

Bullard welcomed Brodi Irwin and congratulated him on his promotion to Road Superintendent. D'Amico also congratulated him and said he hopes he is around for many years. Panzarella relayed to Irwin that he was glad he stepped up to the plate. He pointed out to Irwin that we all work for the taxpayers of the Township and advised him to be careful in handling situations that arise. He suggested to Irwin that if he thought he needed training in that area, Mr. Bullard could look into that. Panzarella encouraged Irwin to act in the best of his ability.

Bullard said that we have cancelled the salt purchase with ISCO. He said that Delaware County responded by email that they would sell us 200 tons of salt at a very reasonable price. Bullard said that Irwin, Hart and Chris Paykoff attended a training class in the County with regards to applying salt to the roads in the winter. He said they talked about calibrating the salt on trucks. He said a spray liquid or brine was also discussed and Irwin would like to discuss the purchase of a spray liquid pumping system for one of the trucks. He has provided requisitions for both ABC and Dexter Company. Bullard said Irwin suggests the purchase of the Dexter model. Irwin said the Dexter model is mounted on the tailgate and an electrical unit is in the cab where the output can be adjusted. Irwin said the ABC model is gravity flow where there is no adjustment for output. Irwin said there are about 25 different chemicals to use including a brine solution and a calcium chloride. He said using this would create a 30 to 50 percent savings over just using dry salt. Irwin said the

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brine they are interested in using is \$.15 a gallon. He said he talked with John Link, Manager of Operations for Delaware County and said Link advised to use a cheaper chemical at first to see what works best for the Township.

D'Amico commented that part of the savings you will see is that you won't have to re-treat over and over. Irwin said it was human nature to put more and more salt on a road if you do not see an improvement. He said with brine you see results immediately. He said it is wet so it will stick to the pavement. When using dry salt part of it is crushed and blows off the road. Panzarella said he appreciated Irwin looking into this. He questioned if the ABC and Dexter models were an apple to apple comparison. He asked if the equipment was available and could be readily secured on a truck. Irwin said it should be able to be mounted before the first snow fall. Panzarella asked which truck they would use. Brodi said they would use the new truck. Panzarella questioned the 30 to 50 percent efficiency. Irwin said it would be when using certain chemicals. Panzarella asked Irwin to give his best estimate for percentage of efficiency. Irwin said he was being put on the spot. He said he has only been researching this for a little over a week. Panzarella asked for a total cost. Irwin said it is \$10.00 per truck load. Irwin said that Delaware County and ODOT think it is a huge savings. He said he would like to test the cheaper chemicals this year and then possibly a more expensive chemical in the future if conditions permit it. Panzarella said he would like to know the total cost, if it is close to the 30% effective, or if we would save money. Bullard said Irwin and Hart went to Westerville where they are using a \$2.00 per gallon chemical from Kansas City. He said there has to be storage for this. He said the more expensive is less corrosive. Therefore, the trucks would have to be cleaned after use. Panzarella asked where they would be washed. Brodi said in the 5th bay of the fire station. Panzarella said the concrete was treated with linseed oil two years ago and suggested Irwin contact the people who previously did this. He said he would have to replace concrete if it is damaged. Irwin said the \$.15 cent per gallon chemical also has an agricultural additive to keep corrosiveness down to a minimum.

RESOLUTION

08-10-11

APPROVE REQUISITION 0810008 FOR \$3,476 TO DEXTER COMPANY FOR LIQUID SPRAY SYSTEM MODEL #LDS-333 TO BE INSTALLED

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

Bullard said that Delaware County Engineer has submitted an estimate for anti-icing 4 township roads with salt brine as a pre-treatment agent. Bullard said the estimate is for 8 miles and turn lanes of Curve, Piatt, Hollenback and 3B's& K Roads. Cannon commented that our ODOT report lists those roads at being less than 7 miles. Bullard said he would look into it and they could discuss at the next meeting. Bullard said the road crew has purchased a scale and will be using it to calibrate the trucks to know how many pounds of salt are used per mile. Bullard said in Irwin's report he said that crack sealing was not done because of lack of need to any one road. He said too much crack sealer on a road can cause problems. Panzarella said after the road inventory meeting certain roads were designated as needing crack sealed. He said he has observed nothing has been done and at the last meeting he asked for a letter from the Road Superintendent stating it was not necessary to crack seal this year and the roads would not suffer. He said, "We said we were going to do something and did not". Bullard said he would talk with Irwin and get response for the next meeting. Bullard said the county has provided quotes for grader patching Township Road 90, Big Run and Township Road 94, Sweeney Road. Panzarella questioned if there was money available in the road funds. Cannon said she provided reports to the three trustees last week after closing out September. Cannon said she still has to pay for the road work Shelley did in the summer. The Trustees reviewed the fund accounts and determined there was not sufficient money at this time. Bullard said Big Run will develop to the east and it should end up a nice road. He said he wants it a good safe road for the residents that live there. Panzarella said to look for alternatives for patching the road. He asked if there was any precedent with the County Prosecutor for seeking reimbursement for damages to road. Panzarella asked about patching the road. Irwin said they do not have the equipment for that. Bullard said they would fill potholes until spring. Panzarella said to find out from the Prosecutor any precedent where they were successful when retaining money from owner that has damaged a road. Shumway said someone would have to have seen it and there should be

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documentation of road before damage. Panzarella said we have asked the County to do that with 3B's & K. We don't have a pre-condition on Big Run Road. Shumway suggested having excavators and builders provide a bond to the Township. Panzarella said we may want to discuss having the zoning require a form to be completed and fee to pay for ditch modification.

Bullard said they would bring up the Delille contract at the next meeting.

D'Amico questioned if the ISCO purchase was rescinded. Cannon said she would look and see and if not it could be done at the next meeting.

Irwin said he is also interested in purchasing an extra snow plow blade. He said he would like to have a spare. He said the last one was worn out after two snows. He has a quote for a 10 foot blade for \$1025.75 but he had received a voice mail from another company saying they would do it for \$83 per foot. He would like to bring this back at the next meeting. He said the quote he has from Dexter said the blade would be available in 3 weeks.

TRUSTEE ITEMS

Audit Committee- Panzarella said the chair of the audit committee had to resign and he has provided recommendations for members. He said he gave Dennis Mowery a CPA and Frank Rinehart a township resident with financial background. Panzarella said we have discussed Jim Hahn being on the committee and Judy Shumway has also submitted a letter of interest. Panzarella said they are not auditing the money but looking to see if we are following past audit recommendations.

RESOLUTION

08-10-12

MOVE TO APPOINT DENNIS MOWREY, FRANK REINHART, JIM HAHN AND JUDY SHUMWAY TO THE BERLIN TOWNSHIP AUDIT COMMITTEE. COMMITTEE WILL SELECT A CHAIRPERSON AND REPORT THAT INFORMATION TO THE BOARD BY OCTOBER 27, 2008

Motion: Panzarella

Second: Bullard

Discussion: Panzarella the best practice package is available on The Ohio Auditor's web site. Panzarella said he would provide a copy to the audit chair upon request.

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

Panzarella said they should be notified by letter.

Townhouse Cleaning- Panzarella said there has been some observation of windows not being cleaned and little vacuuming. Panzarella said the building custodian does not have a key to the clerk's office or two storage rooms and arrangements should be made for cleaning those areas. He said this is a salary position or we could convert it to an hourly position. Panzarella said we may want a checklist of items that need to be done. Zoning Office Services- Panzarella said he would like to have the zoning job descriptions forwarded to him by the next meeting. He said this is the number one thing missing in the employee handbook. Panzarella said he has seen 2 sections and believed there was one more section to go. Shumway said she has not received any comments from Bullard or D'Amico.

Panzarella said he would like to have this completed by the end of the year. He noted that job descriptions are also needed for cemetery sexton and building custodian. He asked if the end of the year was a reasonable goal. Trustees D'Amico and Bullard said it was.

Bullard suggested putting employee handbook on every agenda until it was complete.

NATAT- Panzarella reported on the meeting he attended in Washington D.C. He said OTA and others are working on having federal money go right to townships. He said currently money goes to the state then county then townships. He said an infrastructure bill and energy bill are in the works. He said it was a very worthwhile meeting.

Brick Entry Way Walls- Panzarella said the brick entryway walls needed sealed or the bricks could become a problem.

Cemetery Digitizing- Panzarella said there is more work on this than we ever thought there would be. He asked D'Amico to give a report at the next meeting.

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Mens Restroom Fan- Panzarella said the problem with the fan needs to be defined and if it cannot be fixed it should be replaced.

Retention of outside legal counsel- Panzarella said we have been informed of a possible action regarding Cheshire Rd. He said the last time we received a letter from the Prosecutors office that they could not advise us because of a conflict of interest. He suggested hiring outside legal counsel to assist us on possible legal issue coming up on the north and south of Cheshire Road.

RESOLUTION 08-10-13

MOVE TO AUTHORIZE THE FIRM OF RINEHART AND RISCHEL, LTD. TO ASSIST THE TOWNSHIP ON LEGAL ISSUES – COST TO BE INITIALLY SET AT \$5,000

Motion: Panzarella

Second: Bullard

Discussion: Bullard said I thought you had concerns with this firm being responsive. Panzarella said other firms we have used also have a conflict of interest. He said this firm has the best experience dealing with this. Bullard suggested asking the Prosecutors office again since the case has already gone through the judicial system. Panzarella said the prosecutor's office seems to be very busy again. He said he doesn't want to delay this for long. He said he would contact the prosecutor's office verbally and by e-mail. Panzarella said he would inform the firm not to do anything until he gets back with them.

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

ZONING DEPARMENT

RPC Contract- D'Amico said RPC provides 25 free hours and we have only used 11. He said he did not think it was necessary to have a contract at this point. Panzarella said if we had a contract and something came up we could execute immediately, or work could be delayed without a contract. He said we meet every 2 weeks and special and emergency meetings are not necessary if we plan ahead. D'Amico said he thought it could wait until the organizational meeting. Bullard agreed. Panzarella said he did not agree and thought a contract should be in place.

T&R Properties- Bullard said the minutes state a request for a zoning extension was brought before the RPC Board by T&R Properties. He said he does not have a problem with extending for 1 year not the requested 3 years. Cannon said RPC's extension was for 1 year. Bullard said it could be discussed at the next trustee meeting.

BZC 10/14/2008 Meeting- D'Amico said he was invited to the BZC meeting as a silent partner since he is the zoning liaison.

LATE ITEMS

Panzarella said we authorized payment to WDC and are still waiting for a copy of the adjusted contract.

Panzarella said he received information from Ohio Health Plan. He commented we currently have Blue Cross/Blue Shield. Bullard to look at brochure.

Panzarella said we received notice from Larry Johns from OTARMA that they are accepting applications for 2 board members. He said it is for a 4 year term and they ask that a short biography be submitted. Panzarella asked Bullard and D'Amico if they were interested. Both said no, they were not. Panzarella said he was interested and would be submitting a biography about himself.

Panzarella reported that Ray Armstrong would be attending the Veterans Parkway Advisory Committee from 3 to 5 tomorrow. He asked if any other Trustees would be attending. Bullard and D'Amico said they could not attend. Panzarella said he would go. He said the meeting will cover the US 42 extension to US 36/37. D'Amico questioned why Armstrong had to go if Panzarella was attending. Cannon suggested they put a sign on their door stating the zoning office will close early.

Panzarella informed the board that he talked with Armstrong about prevailing wage rate information he received. He said it would not reflect CRA or the Economic Zone. He said it will affect TIF's.

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Bullard said he had a completed inventory sheet. He said there was a chair from the hall that was broken and could no longer be used and needed to be taken off the inventory. D'Amico asked Panzarella if he felt there was a problem with him attending the BZC meeting. Panzarella questioned what they were doing. D'Amico said he was afraid something they discuss may potentially come before the board. Panzarella said there have been former Trustees that have attended zoning meetings and were told from the prosecutor's office not to. Bullard said if the meeting has to do with an application D'Amico should stay away. D'Amico said their meeting has to do with business community and increasing their awareness with signs. Panzarella said if you are asking me I would say stay away. Bullard said to ask them what they hope to get with your participation. He said for some reason they want a trustee in attendance. Panzarella said there is no reason to attend that meeting until the latest BZC case is passed. Panzarella said if it was him, he would not go. Panzarella said if Rick Sedlacek wants to report to the Trustees that would be fine.

Shumway asked if there was any public comment at the end of the meeting. Panzarella said they could take public comment. Shumway said she would like to request that Larry Buell be paid his hourly rate for proofreading and verifying the cemetery records she has been digitizing. She said it was important they be double checked for accuracy. She said the Buell's hold records as well. Shumway showed an illustration of what the Pontem mapping will look like when it is complete. Bullard asked how long it would take. Shumway said she did not know but commented the records she is digitizing must be accurate. Bullard questioned how much the hourly rate was. Shumway said it could be stated as what was listed in the 2008 organizational meeting. Panzarella said he was not aware of an hourly rate. Panzarella wanted to apply an amount of money and suggested not to exceed \$1500.

**RESOLUTION
08-10-14**

**MOVE TO APPROPRIATE 120 HOURS OF CEMETERY
SEXTON TIME AT THE HOURLY RATE OF PAY LISTED IN
THE 2008 ORGANIZATIONAL MEETING FOR THE
PURPOSE OF PROOF READING THE DIGITIZED CEMETERY
RECORDS**

Motion: Bullard
Second: D'Amico

Discussion: Panzarella asked when we would be getting the proofread records back. Shumway said she did not know. Panzarella questioned which records would be the official records the digitized or the manual. Shumway said the original deeds are your official records and the digitized are a way of safeguarding the files. Panzarella said if the original records are the paper records why are we digitizing. Shumway said it is safeguarding the files. She said records would be on and off site. Panzarella commented that we were spending money on the program and thought this would be an official copy. Shumway said the Pontem project was started a while ago and then was discontinued. Panzarella said with the proofing of the digitized records he would hope they were good enough to be the operating records. Shumway said the original cemetery records are handled like the fiscal office records. Panzarella said he wanted some level of confidence that the digitized records would be able to be used as the official record. Bullard said that may come in time. He said at some point we will digitize them as we receive them. He said it would have to be managed. Panzarella said as I understand it we will operate off the digitized once it is proofed. Bullard said we are not at that point yet.

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

**RESOLUTION
08-10-15**

MOTION TO ADJOURN

Motion: Bullard
Second: D'Amico

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

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Meeting adjourned by Chairman Panzarella at 9:35 p.m.

Phil Panzarella, trustee

ATTEST:

Ron Bullard, Trustee

Theresa Cannon
Fiscal Officer

Tom D'Amico, Trustee