

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

November 10,

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. In the absence of the Fiscal Officer Judy Shumway was named to record the proceedings.

ATTENDANCE:

PUBLIC COMMENT: Panzarella said the adopted rules for public comment, Resolution 05-07-44, were printed on the reverse side of each agenda. He said if anyone wished to make public comment they should first review the rules.

APPROVAL OF MINUTES

RESOLUTION

08-11-01

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

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

MEETING CANCELLATION-Panzarella said the road inventory review scheduled for November 8, 2008 was cancelled by the chairman because no one was available to record the proceedings and one trustee was not available. Panzarella said the cancellation was posted both inside and outside the township building.

Panzarella said trustees need to schedule a road meeting with the county representative. He said it would be discussed later in the meeting.

FISCAL OFFICE

CLARIFICATION OF WDC INVOICE-Panzarella said the \$1,245.00 invoice from WDC represented 25% completion of design of the sports field contract. Panzarella reminded he had been named to represent the board with WDC. Panzarella said he asked Widener to come to a trustee meeting or meet with him. Panzarella said he could relay information to other trustees.

RESOLUTION

08-11-02

APPROVE PAYMENT OF \$1,245.00 TO WDC GROUP FOR 25% COMPLETION OF SPORTS FIELD COMPLEX DESIGN

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

FORMS REQUEST-Panzarella requested forms regarding resolution format.

RESOLUTION

08-11-03

APPROVE \$600.00 FOR CARPET CLEANING AT TOWNSHIP BUILDING BY FIVE STAR CARPET CLEANERS

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

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Panzarella said, "We have an estimate of \$600.00 and if the cost should exceed that figure notice should be given to the board."

AUDIT COMMITTEE REPORT-Shumway reported the audit committee met on November 5, 2008 discussing fiscal office functions and procedures, budget, funds, revenue sources and appropriations. Also discussed and reviewed were findings and the auditor's management letter. Shumway said the committee would meet prior to the commencement of the audit in 2009. Shumway had been named chairperson of the committee.

Shumway suggested trustees name staggered term limits for the audit committee so there would always be experienced persons on the committee. Panzarella said trustees should come to the organizational meeting prepared to name the committee members to staggered terms such as two persons for two years each and two persons for one year each. Bullard suggested persons could be named as one for four years, one for three years, one for two years and one for one year.

VFFDF BOARD-Trustees were reminded that they needed to appoint two persons to the VFFDF Board by December 1st. Shumway said in 2007 trustees appointed Pat Paykoff and Bob Ford. Panzarella asked if the Board wanted him to contact Ford and Paykoff. Board agreed.

INSURANCE QUESTIONNAIRE FORMS-Shumway said Fiscal Officer Cannon wanted to know the intent of trustees as to providing health questionnaires to township personnel eligible for health insurance. Bullard said insurance questionnaires had been received from Rinehart Insurance. He said the insurance was a co-op offering insurance to government entities throughout Ohio. He said the only way to get a quote was to complete the questionnaire.

Panzarella said those employees and officials presently covered would be eligible to complete the forms. He questioned if the board wanted to distribute the questionnaires or stick with Anthem Blue Cross/Blue Shield. Shumway said the questionnaire would be given to all eligible employees and officials not just those presently participating in the township's health care plan. D'Amico said, "I'm unclear as to whether this will go forward if all eligible persons don't complete the paperwork."

Bullard said the company would insure groups as small as two persons or as large as seven hundred. He said it was self-funded. Specific premiums would cover insurance and based on experience the next year's premium could change.

D'Amico asked, "If I'm not covered I probably won't complete the paperwork but I don't want that to harm other people."

Panzarella asked whether the board should distribute the questionnaires or not. Does this board want a second opinion as to cost of coverage. D'Amico said, "Yes, distribute it." Bullard said, "It makes more sense." Panzarella said the forms would be distributed to be returned by November 13, 2008 to the fiscal officer.

MVR INFORMATION-The fiscal office reported all employees and officials had been sent a waiver to receive MVR information. D'Amico said he didn't recall trustees approving the request letter. Shumway said minutes from the October 27th meeting reflected trustees' approval. Trustees determined the township would request 100% of the MVR records. D'Amico asked if information on the records, i.e. social security numbers, would be protected by the Privacy Act. It was affirmed private information would be protected.

RESOLUTION

08-11-04

APPROVE GENERAL FUND APPROPRIATION AND PAYMENT OF \$30,126.36 FOR McNAMARA #582 DRAINAGE IMPROVEMENT PETITION WHEN DUE AS BILLED BY THE DELAWARE COUNTY COMMISSIONERS AND AUTHORIZE FISCAL OFFICER THERESA CANNON TO SIGN ASSESSMENT PAYMENT STATEMENT ON BEHALF

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OF THE TOWNSHIP

Motion: Bullard
Second: Panzarella

DISCUSSION-Bullard questioned the pay date on page two. Panzarella questioned the assessment to landowners and some land being farm land which didn't pay as much in real estate taxes. D'Amico questioned the payment as an assessment. He said he believed an assessment would allow partial payment over several years and it seemed the township was making a one time payment in the total amount. Panzarella questioned if the county or who administered the plan. Bullard said there would be additional costs to the township as there had to be a tile under Hollenback Road at an additional cost of \$40,000.00. Panzarella asked, "How do I know the total cost for the ditch project is right?" Shumway said the project was initiated in 2003 there had been multiple public hearings about it advertised in *The Delaware Gazette*. Panzarella said there hadn't been an opportunity for township input.

Vote: D'Amico yea, Bullard yea and Panzarella yea.

SPENDING CURTAILMENT-The fiscal officer notified trustees 2008 spending would be curtailed as of December 8th in preparation for year end closing. Bullard said there had been monies appropriated for the salt wetting equipment and he questioned if it had to be received prior to the spending curtailment. Shumway said amounts already encumbered would not be affected. Shumway said the spending freeze would be in effect until the county auditor released township funds some time in January. Panzarella asked for a specific date in January. Shumway said a cautious estimate would be January 20th. Panzarella said if departments needed items they would need to be purchased before December 8th.

FEMA MEETING-Bullard reported he did not attend a FEMA grant meeting on November 5th at Scioto Township saying, "I had a senior moment and forgot". Panzarella said he had attended such a meeting earlier in the year for the snow emergency. Panzarella said, "I would ask the fiscal office to get and complete the forms and report at the next meeting." He said if there needed to be a special meeting he would need to know.

RESOLUTION

08-11-05

APPROVE SUBMITTING APPLICATION FOR DEBRIS REMOVAL FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT TO BE SUBMITTED FOR STORM RELATED TIME PERIOD DURING SEPTEMBER 14-22, 2008 AND NAME TOWNSHIP FISCAL OFFICER THERESA CANNON AS AUTHORIZED AGENT AND PRIMARY CONTACT FOR DEBRIS REMOVAL PUBLIC ASSISTANCE GRANT REQUEST FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND ASSISTANT TO THE FISCAL OFFICER JUDY SHUMWAY AS ALTERNATE CONTACT

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

CEMETERY

PROSECUTOR LETTER-Panzarella said a prosecutor's letter had been received addressing several items. Panzarella said he would like to discuss the cemetery items within the letter. Bullard questioned if the letter was to be entered into the minutes. Panzarella said it could be addressed in two ways; either as an opinion or as advice. Panzarella said items to be addressed would be 1) number of infant burials per grave lot; 2) \$1,000.00 transfer fee for out-of-county residents; and 3) change past approved resolutions i.e. certain charges and basis of charges.

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Panzarella said first infant graves would be discussed. He said, "In the past we have allowed two infants to be buried on a single grave space." Panzarella said, "The prosecutor's advice was that 'the Board, by resolution, may change that policy as it deems appropriate, citing specific reasons for the change'." Panzarella said he believed the reason was not to disturb remains of the interred.

Second, Panzarella said the transfer fee of a cemetery lot at a cost the same as the regular lot cost would be discussed. He said the prosecutor advised the Board could adopt reasonable rules with basis. Panzarella said this means the Board could do it. Panzarella said, "This is why the 72 line spreadsheet is needed."

Third, Panzarella said for beautifying the cemetery, fees must be reasonable and prudent. He said these items could be addressed at the organizational meeting along with the rules, fees and times regarding pour dates outside the semi-annual times. Panzarella said now the Board must rescind Resolution 08-01-18, fees must be reasonable and out of season might not be approved by the Board.

Fourth, Panzarella said fees outside of the annual organizational meeting and can we charge a fee more than the actual cost to the township. Panzarella said, "There is no prohibition to doing a mid-year or outside the meeting change."

Panzarella said, "The Board needs to address out-of-season pours and consider two actions; rescind Resolution 08-04-18; and establish a fee for action taken in 2008. This has nothing to do with next year."

RESOLUTION

08-11-06

RESCIND RESOLUTION 08-04-18 REGARDING ESTABLISHING A FEE FOR OUT-OF-SEASON POUR WHICH WAS A SURCHARGE OF \$505.00 FOR UP TO 1320 SQUARE INCHES REGARDLESS OF SIZE

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

ESTABLISH PROPER COST-Panzarella said, "We need to establish a proper cost for out-of-season pour. On the summary one pour, Line 71 from the analysis (Hahn's) is \$861.08 (33x66x20). We have discussed this before at the organizational meeting. In the analysis, Line 50, the entire cost of concrete is in \$861.08. The size difference is incidental and only the charge factor 30/33 is \$782.80. The analysis is for 2009 and \$861.08 is for 2009. The analysis provides for a 6% inflation factor so the calculation should be 94% or \$782.80 for 2008. This is \$.557 cents rounded up to \$.56 per square inch being \$735.82 and \$643.40 was collected leaving a balance of \$92.43.

RESOLUTION

08-11-07

ESTABLISH \$.56 PER SQUARE INCH IN 2008 FOR OUT-OF SEASON POURS ACCOMPLISHED IN 2008

Motion: Panzarella
Second: Bullard

DISCUSSION-Bullard said, "I get \$739.20 using \$.56 established for out-of-season pour in 2008." D'Amico said to Panzarella, "You said the Board allowed an out-of-season pour and I don't believe the Board did." Panzarella said, "Check the minutes at the organizational meeting, it was discussed at the organizational meeting, \$1,050.00." D'Amico said, "I think the numbers are here."

Shumway asked if there was an invoice for the \$643.40 that was collected. She said, "This is to support the collected amount and provide backup for auditors." Panzarella said, "Are you asking that question as a resident?" Shumway said, "No. This is in order that Theresa's file is complete in case of audit questions. With this many changes it will definitely come up in an audit and we want the file to be complete."

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Panzarella said, "The \$643.40 wasn't invoiced. I've never seen the check. The audit trail can consider the estimates this Board worked on. I believe I gave a verbal to the individual attempting to get this done. I stated if estimates were deficient I would pay the difference after an analysis and not based on estimates. This Board dealt with estimates."

Panzarella said, "Ron, I accept your \$739.20. That leaves \$95.80 as outstanding balance. We should send a bill for \$643.40 to the people who put the stone in and invoice me for \$95.80. Then the township would be reimbursed for \$739.20 in full." Bullard asked, "Do we need a resolution on this?" Panzarella said, "The prosecutor says if you've charged more than the cost to do it the township can correct it. We need an invoice to show who paid what for what." Panzarella said, "I want this in the record. 'And that is why you should not accept estimates'. It's a way out of overcharges and undercharges, a definitive answer way for the Board in the future. It is now based on a specific and approved analysis."

Panzarella questioned, "Should we invoice these people?" He said, "The Board can go back to no out-of-season pours. In the analysis there is a cost for a regular season pour and the cost is more. Send an invoice marked 'paid in full'." Bullard said, "The invoice to you (Panzarella) would be a balance due invoice." Panzarella to Shumway, "You'll send me an invoice?" Shumway said whatever the fiscal officer instructs would be done.

FIVE MINUTE RECESS CALLED BY CHAIRMAN PANZARELLA AT 8:42 P.M.

CHAIRMAN PANZARELLA RECONVENED THE MEETING AT 8:46 P.M.

CEMETERY COMMENTS-Bullard commented about out-of-town transfers. Panzarella said the analysis had a line regarding non-Berlin residents. Panzarella said, "Food for thought."

Panzarella presented a check to the township for \$95.80.

FIRE DEPARTMENT

REQUISITIONS-Panzarella said there were no requisitions. Panzarella said, "The chief has been asked to prepare a plan for issuance and tracking of consumable clothing (t-shirts, pants, etc.) to cut down on requisitions." Bullard suggested the chief talk with the fiscal officer. Panzarella said, "He (chief) will have at the next meeting."

RESOLUTION

08-11-08

TERMINATE TRAVIS BURWELL FOR FAILURE TO COMPLETE PRE-EMPLOYMENT CONDITIONS EFFECTIVE NOVEMBER 10, 2008

Motion: Panzarella
Second: Bullard

DISCUSSION-Panzarella said the prosecutor provided advice in an e-mail. Shumway asked for the date of the e-mail. Panzarella said there was no date on it and he would have an original copy from the prosecutor provided to the fiscal officer.

Vote: Panzarella yea, Bullard yea and D'Amico yea.

IDENTIFICATION BADGES-Bullard questioned the status of fire department photo identification badges. Panzarella said they were approved some time ago to be done by the Worthington Fire Department. Panzarella said, "Our fire department says the fiscal officer didn't send Worthington any money." Panzarella asked if the fiscal officer had received an invoice and if not, there probably wasn't any money sent. D'Amico said \$200.00 was authorized for badges from IDVille by Resolution 08-02-12 (February 2008). Shumway said payment records could be searched and Panzarella would be advised.

ROAD DEPARTMENT

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GLENN ROAD TRAFFIC COUNT STATUS-Panzarella stated all trustees had signed the request for engineering assistance form and it was ready for submittal to the county engineer.

UPDATE PEACHBLOW ROAD ACCESS TO US 23-Bullard said, "I attended a meeting last week. I can't remember the day." He said the city was working with developers stating they needed money to finish Glenn Parkway to US 23. He said the city was writing zoning changes to fit the need to sell property to fund Glenn Parkway. Bullard said that the proposed development did not provide a good way for Peachblow Road travelers to access US 23. Bullard said there was need for a direct attachment for Peachblow Road to US 23, a more direct route. Bullard said the county engineer does not approve of the proposed plan without better Peachblow Road access to US 23. Bullard said there were probably ten residents in attendance. Panzarella said, "We were not on the distribution list for this meeting. Bullard said he met with city engineers, distributing his card and requesting to be notified of future meetings. He said there would be a meeting in early December.

SNOW PLOW PLAN-Panzarella said, "In past years we had a development plan for plowing snow. He said, "The truck would cross the causeway at Alum Creek Lake then turn north on Africa Road. The tractor was taken to the town of Cheshire." Bullard said, "We don't have anything like that. The road department has the township divided into three parts." Panzarella said, "Complaints last year, besides the mailboxes, were that trucks are too big to get into Cheshire, big roads were done first and putting big 8 ft. snow banks at the end of the roads not allowing residents to get in and out of their roads or allowing emergency vehicle access." Bullard said, "We will resurrect the old plan." Panzarella said, "I just want to be sure not to plow roads shut."

UPDATE-SALT WETTING EQUIPMENT-Bullard said the salt wetting equipment had been ordered and should be installed soon.

TRUCK MAINTENANCE-Bullard said there was additional truck maintenance that could be performed that would add to the longevity of the maintenance vehicles. He said rust is a big problem when using salt. Panzarella said, "Make sure the trucks are serviceable through the winter."

CARRYOVER ITEM FROM LAST MEETING-Panzarella said he had a residual item which he had checked out with the prosecutor's office. He said, "In order to receive payment for road damage caused by construction traffic, there must be a baseline for the road before construction begins. He told Bullard that it was correct to have the county engineer document the road condition. Panzarella said, "A second thing would be to hire the sheriff with portable scales on the road."

ROAD INVENTORY-Shumway said a review of the township road inventory indicated there may be an extension to Meadowshire, between Meadows at Cheshire and Harbor Pointe that has not been dedicated to the township. Item to be researched by Bullard.

**RESOLUTION
08-11-09**

**RECESS TO EXECUTIVE SESSION FOR
CONSIDERATION OF APPOINTMENT,
EMPLOYMENT, DISMISSAL, DISCIPLINE,
PROMOTION, DEMOTION OR COMPENSATION
OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL-
9:17 P.M.**

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

**RECONVENE TO REGULAR SESSION BY CHAIRMAN PANZARELLA AT
9:32 P.M.**

Panzarella reported no action would be taken as a result of the session.

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ITEMS SUBMITTED FOR 5-YR. PLAN-The fiscal office reported that items submitted by various departments as a five year plan had not been capital in nature but rather operational amounts. Shumway said the fiscal officer reminds that the 5 year plan is a capital plan and doesn't need to include operational monies. Panzarella said he wanted a recommendation from the fiscal officer as to how to correct the problem and also a plan of attack on improving the efficiency in the future.

STATUS OF EMPLOYEE HANDBOOK-Regarding job descriptions, D'Amico said he met with Cathy Rippel to get proposed revisions. He said he was not sure all items were legal and he didn't want a blanket approval of anything. He said there was still much work to be done before they would be complete. Panzarella said he had written the basic job descriptions for Rippel and Ray Armstrong.

Panzarella said the prosecutor could look at these things. D'Amico said he would get a copy to the fiscal officer.

Panzarella said to D'Amico, "I asked for Ray's input and told him to talk to you. The fire ones were done from another department's that had already been reviewed by an attorney. I'm trying to do them and get electronic format and send in electronic file." D'Amico said he wanted all board members to have the descriptions, be able to make comments about them and share them along with the comments of other board members. He said the Board should review all job descriptions. Panzarella said, "This is not going to happen this year."

Shumway asked if the employee handbook and the policies and procedures were to be incorporated into the same book. Not discussed.

DECEMBER NEWSLETTER-Panzarella reported the newsletter input was complete. Panzarella said the end-of-year meeting date would be published in the newsletter.

END-OF-YEAR MEETING-The fiscal officer requested the end-of-year meeting and the 2009 organizational meeting be held on the same date starting at 5:00 or 5:30 p.m.. Noting there was a payroll due January 6th she wanted time to close December 2008 and input information to start the new year so payroll could be timely processed. She said the end-of-year business should be very minimal taking less than an hour and by moving the meeting time ahead it would allow time for the organizational meeting the same night. Trustees discussed and agreed the end-of-year meeting would begin at 5:00 p.m. with the 2009 organizational meeting to immediately follow.

RESOLUTION

08-11-10

**ESTABLISH DECEMBER 29, 2008 AS DATE FOR
END-OF-YEAR MEETING COMMENCING AT 5:00
P.M. AND 2009 ORGANIZATIONAL MEETING
IMMEDIATELY FOLLOWING WITH BOTH TO BE
ADVERTISED**

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

All organizational business to be completed on December 29th before adjournment.

ZONING

REVIEW SHELVING-D'Amico requested trustees view shelving in the road bay. Trustees removed to the road bay to view shelving then returned to meeting room.

FUTURE MEETINGS

BZC MEETING-November 11, 2008 @ Berlin Township House.

DRAINAGE MEETING-Wednesday, November 12, 2008 @ 6:30 p.m., Berlin Township House-Peachblow Road neighborhood.

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JOHNNYCAKE ELEMENTARY SCHOOL-Bullard and D’Amico to speak to third grade class about township government.

LAND USE PLAN-D’Amico said he received a letter from BZA member Mike Morrill regarding the status of updating Berlin Township’s land use plan. Morrill suggested community input meetings be held. Panzarella said, “Residents have questioned me about it wondering why the trustees do not participate. I explained that we would eventually have to act on it so we couldn’t be part of the planning. The residents suggested using a different forum.” D’Amico questioned if there was space in the newsletter inviting residents to the sessions. Panzarella said there was not. Panzarella said he talked to the prosecutor’s office and it was suggested the trustees have a liaison attend the meetings and report the happenings to them.

FLAG PROTOCOL-Panzarella said, “With tomorrow being Veterans Day the flag will need to be lowered to half mast at 7:00 a.m. and returned to full staff at noon. Is there anyone available for this duty?” D’Amico and Bullard didn’t express availability. Panzarella said he would take care of it.

**RESOLUTION
08-11-11**

APPROVE \$540.00 FOR PURCHASE OF THREE STORAGE RACK SHELVES FOR ZONING RECORDS AND OTHER TOWNSHIP RECORDS FROM WHALEN

Motion: D’Amico

D’Amico said the zoning inspector said trustees could research the shelves online. Panzarella said a requisition was needed.

MOTION WITHDRAWN BY D’AMICO.

**RESOLUTION
08-11-12**

ADJOURN MEETING @ 10:24 P.M.

Motion: Bullard
Second: D’Amico
Vote: Panzarella yea, Bullard yea and D’Amico yea.

Meeting adjourned at 10:24 p.m.

Philip P. Panzarella, Trustee

ATTEST:

Ronald W. Bullard, Trustee

Judy K. Shumway
Assistant to Fiscal Officer

Thomas A. D’Amico, Trustee