

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Regular Meeting**

**December 8, 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, Tom D'Amico and Theresa Cannon, Fiscal Officer

**ATTENDANCE:** Ray Armstrong, Chris Paykoff and Chris Rinehart

Panzarella referred to Resolution 05-07-44 regarding rules with public comment posted on the back of agenda sheets. He asked if anyone wished to make public comment. Hearing no request trustees moved on to the next agenda item.

**RESOLUTION  
08-12-02**

**MOVE TO APPROVE THE REGULAR MEETING MINUTES  
FROM 11/24/2008 AND TO DISPENSE WITH THE  
READING**

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

**RESOLUTION  
08-12-03**

**MOVE TO APPROVE THE SPECIAL MEETING MINUTES  
FROM 12/6/2008 AND TO DISPENSE WITH THE READING**

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

Panzarella suggested a short recess for executive session to discuss a pending lawsuit involving the city of Delaware. He suggested inviting the fiscal officer and Chris Rinehart.

**RESOLUTION  
08-12-04**

**MOVE TO RECESS INTO EXECUTIVE SESSION TO DISCUSS  
PENDING LAWSUITS**

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

**RESOLUTION  
08-12-05**

**MOVE TO RECONVENE INTO REGULAR SESSION**

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

Panzarella said while in executive session we discussed pending and potential legal matters. No action or decisions were made.

**FISCAL OFFICER**

**Statement of pay acceptance for 2009-** Cannon said a vote on how the trustees wish to be compensated in 2009 needs to take place. She reported the trustee salary is based on the annual budget of the township per ORC. Trustees can be paid salary or per diem. Bullard questioned how they were paid this year.

**RESOLUTION  
08-12-06**

**MOVE THAT TRUSTEES ARE TO BE COMPENSATED IN  
2009 BY SALARY**

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

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**Cell Phone and Credit Card Policies-** Cannon said trustees should have received a copy of cell phone and credit card policies. Cannon said they may want to consider adopting such policies by the end of the year. These policies would be part of the township operating manual. Cannon said it has been noted in the past audits that the township does not have a cell phone policy or credit card policy. Trustees discussed the cell phone policy.

**RESOLUTION  
08-12-07**

**MOVE TO APPROVE AND ADOPT THE THREE PAGE BERLIN TOWNSHIP CELL PHONE POLICY PRESENTED AND DISCUSSED 12/8/2008**

Motion: Panzarella  
Second: Bullard

Discussion: It was noted that the policy does not state hand free devices because the people we issue these phones to are not using the phones for personal conversations. Bullard stated option B would open up to all calls.

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

Trustees read thru and discussed the purchase card policy.

**RESOLUTION  
08-12-08**

**MOVE TO APPROVE AND ESTABLISH THE PURCHASE CARD PROCEDURES LISTED ON THE 2 PAGES DISCUSSED ON 12/8/2008**

Motion: Bullard  
Second: D’Amico

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

**VFFDF** – VFFDF members Sam Reda, Joe Pichert, Pat Paykoff and Bob Ford have chosen Tom Roll to serve on the VFFDF Board in 2009. Paykoff will serve as chairman and Reda will serve as secretary.

**WDC-** Cannon said she has received an invoice for \$2490.00 for the new sports facility. Panzarella said he has talked with the firm and expressed a desire to have a face to face meeting prior to receipt of any other invoices. He said he would contact them again to set up a meeting.

**RESOLUTION  
08-12-09**

**APPROVE PAYMENT OF INVOICE 08107.4 FOR \$2490 TO THE WDC GROUP FOR ENGINEERING SERVICES RELATED TO THE NEW SPORTS FACILITY PROJECT**

Motion: Bullard  
Second: D’Amico

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

**FEMA GRANT-** Cannon stated she has met with Mr. Clements, FEMA contact, to go over and sign the final paperwork for the FEMA Grant from the September windstorm. She reported that the Township will be receiving approximately \$14,800. Cannon said she will distribute the money to the appropriate accounts when it is received. Cannon said she wished to thank Judy Shumway for all of her hard work on putting the information together for this grant. Cannon stated that there are a lot of detailed calculations and information gathering that needs to happen to come up with accurate figures. She said Judy has done a great job on getting the township the maximum amount not only on this grant but also on the one last March.

**CEMETERY**

No information to report.

**FIRE DEPARTMENT**

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Panzarella said there is one fire requisition for 4 Pelican 2000 Super Sabre Flashlights. He said the flashlights are for 2 new employees and 2 are replacements.

**RESOLUTION**

**08-12-10**

**APPROVE REQUISITION 2008-11-04 FOR \$153.60  
PHOENIX FIRE SERVICE SYSTEM, INC. FOR 4 SUPER  
SABRE FLASHLIGHTS**

Motion: Panzarella

Second: Bullard

Discussion: Bullard questioned if the flashlights were assigned to certain people. Panzarella said they were and that Prantl's and Carey's are unserviceable.

Vote: Bullard yes, Panzarella yes and D'Amico

**Water Rescue Run # 258-** Panzarella referred to a report Chief Bechstein wrote on a water rescue. Panzarella stated that the scanner on the boat identified some rocks and divers verified that items picked up by the scanner were rocks. Paykoff stated the scanner, being able to see underwater, was the greatest thing about the boat. He said in the past they would use drag hooks. He said the scanner has a great ability to search for things in the water. Bullard suggested putting the letter in the minutes. He said it shows a great service the fire department provides.

**LETTER INSERT**

Re: Water Rescue Run # 258

At 12:48 pm on Saturday November 29, 2008 we were dispatched to a possible water rescue at the bridge on Route 36/37 over Alum Creek Lake. Six members of the Berlin Township Fire Department responded with both the inflatable Zodiac and new Boat392. Additional units responding came from Orange, Genoa, Tri-Township the Delaware County Sheriff and Medic 10.

Considering the low water condition of the lake Lieutenant Tuller and Firefighter Arnold transported the inflatable Zodiac to the parking area adjacent to the bridge on 36/37 where they prepared to launch. At the same time Lieutenant Reda and Firefighter Prantl were launching new Boat392 at the Cheshire Road boat ramp. Assistant Chief Hall and Firefighter Stewart responded to the scene, Assistant Chief Hall was the Officer in Charge. Also at the scene was a woman who witnessed a man jumping over the guardrail. The woman eventually gave 3 different locations of where the victim may have jumped in. The crew of the Zodiac marked the first location with a buoy and then had to re-inflate the Zodiac due to the cold water conditions. At this time Boat392 arrived and performed their first scan of the area with the sonar unit. The sonar indicated an object which appeared to be a large rock approximately 17 feet below the surface. Boat392 deployed a "Pelican Buoy" to mark the exact location of the object. From the shore the dive team was preparing to enter the water as Boat392 made four additional passes over the areas indicated by the witness. The rock was the only object that appeared on the sonar screen and reappeared with each pass of the boat. The dive team concentrated on that location and reaffirmed the fact that the object was indeed a rock.

Soon a man arrived at the scene and informed Assistant Chief Hall that he may have been the person that the witness had seen going over the guardrail. He had jumped over the rail and walked into the wooded area. Having this information Assistant Chief Hall terminated the water rescue operations.

Normally I do not report incidents to the Board of Trustees but I felt you should know that new Boat392 and its crew performed as expected. They quickly found the object and marked it for the Dive Team to recover. Had this been an actual cold water drowning we would have drastically increased the victims chance of survival by the use of the sonar. It also aided the Dive Team by informing them of the water temperature and depth of the object to be recovered.

Respectfully submitted,  
Chief Bill Bechstein

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**ROAD DEPARTMENT**

Bullard said a requisition was submitted for a hydraulic gear for the salt spreader.

**RESOLUTION  
08-12-11**

**APPROVE REQUISITION 0812010 FOR \$536.63 TO THE  
DEXTER COMPANY FOR HYDRAULIC GEAR REDUCED  
MOTOR FOR SALT SPREADER**

Motion: Bullard

Second: D’Amico

Discussion: Bullard said this is a motor that controls the flow of salt that comes out of trucks. He said this should provide a big savings. Paykoff commented that when the trucks go fast the salt bounces off the pavement.

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

**Snow Plow Driver Augmentation, Insurance and other requirements-** Bullard said Irwin is going to contact Dale Huffman and Greg Prantl to see if they are interested to do emergency snow plowing. He said both men have their CDL’s and are currently employed by the township. Panzarella suggested a resolution be made stating upon their acceptance.

**RESOLUTION  
08-12-12**

**MOVE TO NAME DALE HUFFMAN AND GREG PRANTL AS  
CDL- TRUCK DRIVERS FOR SNOW REMOVAL UPON THEIR  
ACCEPTANCE- RATE OF PAY AS STATED IN THE  
ORGANIZATION MEETING**

Motion: Panzarella

Second: Bullard

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

**Peachblow Road Meeting-** Panzarella reported the following comments he made at the Peachblow meeting. The circuitous route to connect Peachblow to US 23 via Glenn Parkway will add response time of approximately 1.25 minutes to both Fire and EMS. This is one of 2 routes between Old State Rd. and US 23. He said Cheshire Road has been messed up with the detour after the roundabout. Shanahan, another route, has a school site and pushing traffic in that direction would create a safety concern for our children. He said comments were accepted by the Planning Commission and he expects to see them in their meeting minutes. He said there is also a pending ditch petition to the north of Peachblow. Bullard added the township residents met here with soil and water a couple of weeks ago.

**REA-** Bullard said a request for engineering assistance and recommendation was completed for a culvert safety inspection on Sherman Road east of Africa Road.

Bullard reported that 22 tons of salt has been used so far this season. Panzarella questioned if it was last year’s or this year’s salt. Bullard said we have not purchased any salt. D’Amico commented that he read ODOT is now selling salt to municipalities.

Bullard said the maintenance crew picked up the pre-wetting equipment from Dexter and will be installing it on the trucks.

**TRUSTEE**

Panzarella said he gave packets to trustees and the fiscal officer of a 457 Deferred Compensation Plan. He said the plan is similar to a 401k. He asked the representative why it was better than other plans and has not had a response. He asked the board if they would like to have FNC- Financial Network of America LTD. come and discuss the plan at a meeting. Bullard asked if we should poll employees to see who might be interested. Panzarella said it would be a good idea. He said all employees are eligible.

**ZONING**

Trustees reviewed the monthly zoning report. Panzarella commented that 23 homes were built this year.

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**BZA Appointment-** Dan Jacobs sent an email saying he was willing to serve another term on the Board of Zoning Appeals.

### RESOLUTION

**08-12-13**

#### **APPOINT DAN JACOBS TO THE BOARD OF ZONING APPEALS WITH AN EXPIRATION DATE OF 12/31/2013**

Motion: D'Amico  
Second: Bullard  
Discussion: Bullard said Jacobs has done a great job on the BZA.  
Vote: Panzarella yes, D'Amico yes and Bullard yes

**RPC Workshop-** D'Amico said 15 people would like to attend the Delaware County Regional Planning Commission workshop.

### RESOLUTION

**08-12-14**

#### **APPROVE PAYMENT OF \$525 TO THE DELAWARE COUNTY REGIONAL PLANNING COMMISSION FOR A WORKSHOP JANUARY 24, 2008.**

Motion: D'Amico  
Second: Bullard  
Discussion: D'Amico said the cost is \$35.00 per person.  
Vote: Panzarella yes, Bullard yes and D'Amico yes

Job Descriptions- D'Amico said he had a couple of questions/comments on the Zoning Secretary/Assistant job description. He questioned if the printing of pictures, integrity of the camera and log of violations should be the zoning inspectors job. Panzarella said he had no objection to that. Bullard said Cathy should be familiar with these things as well. D'Amico also questioned the legality of physical demands. Panzarella said it would be run by the prosecutor's office. D'Amico also said the fair and just comment is not needed. D'Amico commented the following on the Zoning Inspector job description: Physical demands means he could be called on anytime regardless of weather conditions. Panzarella said he wasn't thinking he would come in. D'Amico said he thought that should go under central functions. D'Amico said he questioned at one time the zoning inspector's hours but after reviewing the job description he agrees with the hours and said he is doing a lot more of administrative functions and he really isn't just a zoning inspector anymore. D'Amico said in the future perhaps there could be two different job descriptions.

### FUTURE MEETINGS

12/9- Bullard and Armstrong meet with Chad Antle to discuss sewer issues along 36/37.  
12/22- Liquor Hearing at 2:30 p.m. at the Commissioners Meeting. Bullard will attend for the Trustees. Panzarella said his concern was having a bar next to a motor cycle shop. He said there is also an issue about a food license. Armstrong said he contacted the Health Department and they should be at the hearing. He said they will do some investigating to see if they have a food service license. He said they will also check the sanitary sewer. D'Amico commented that you don't want to see an establishment selling alcohol to people on motor cycles. He said it seems so convenient. Bullard said the bar does not bother him the sanitary sewer does. Panzarella said he wants to make the commissioners aware of this and said he does not want to expose the township to any future actions.

### LATE ITEMS

Fantasy of Lights refund request- D'Amico said Steve Cross has asked for a refund for his special event. D'Amico said I feel we have certain zoning regulations and this does not fit into the special event category because it is longer than 30 days. He said he doesn't think we should not be able to put up signs for free. Panzarella said the question is if he violated the code. He said he was not aware that any violation letters were sent out. He said a permit was not issued until 12/1. He said an application was received, however the letter and money came later. Armstrong said the permit was issued after the money was received. Panzarella said it was a technical violation and he said there are some grounds to return the \$200. Bullard said he didn't have a strong feeling one way or another. Panzarella commented that the process did not start and no letter was sent out prior to 12/1. He said the temporary signage the board voted on became effective 11/27 and the

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check arrived 12/1. Panzarella said it seems to him the \$200 should be refunded. D'Amico said it is still longer than 30 days. Panzarella said the code changed and no notification was sent to Mr. Cross. He said we should have corresponded with him. Panzarella added next year he will know how many days he has. He said since he was not counseled it should be remedied next year.

**RESOLUTION**

**08-12-15**

**MOTION TO REFUND \$200 TO FANTASY OF LIGHTS / STEVE CROSS ON THE BASIS OF NO NOTIFICATION WAS SENT OUT**

Motion: Panzarella

Second: Bullard

Discussion: Panzarella said since we have a new zoning code effective 11/27/2008 Mr. Cross should be sent a formal letter which will act as notification for next year. If he does not comply he will have to pay next year. Bullard questioned who would write the letter. Panzarella said the zoning inspector can write the letter and submit it to the trustees for their signatures.

Vote: Bullard no, D'Amico no and Panzarella yes

Bullard asked Armstrong to send Mr. Cross a letter with the new code information.

D'Amico asked about the possibility of direct deposit. Cannon said she would look into it after the first of the year.

Cannon asked the Trustees if they received the information from the Prosecutors office regarding the procedure for removal of rocks from Township right-of-way. Panzarella said they are waiting for a resolution. He suggested the rocks in the right-of-way were zoning violations. He said the road department may have trouble with snow and maneuvering the snow plow around them.

**RESOLUTION**

**08-12-16**

**MOTION TO ADJOURN**

Motion: Bullard

Second: D'Amico

Vote: Bullard yes and D'Amico yes

Meeting adjourned by Chairman Panzarella at 8:59 p.m.

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

ATTEST:

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

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

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