

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 11,

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, Earlene Skeels, Jack Reynolds, David Stephens

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

Approval of Minutes

**RESOLUTION
08-02-01**

**MOVE TO APPROVE THE REGULAR MEETING MINUTES
FROM JANUARY 28, 2008 AND TO DISPENSE WITH THE
READING**

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

Panzarella noted there was a time certain Zoning Hearing at 8:00 pm and said we will move on with the agenda items until that time.

CEMETERY

Bullard said there is a requisition for steel cut and fabricated for a bucket to be used on the JD tractor in the cemetery. He said this would be less than \$500 and used in the same manner of a Georgia Buggy.

**RESOLUTION
08-02-02**

**MOVE TO APPROVE PAYMENT OF \$500 TO WANNER
METAL WORX FOR AN 8' X 2'1/4 STEEL CUT AND
FABRICATED FOR CONCRETE BUCKET FOR JD TRACTOR
AND MISC. SUPPLIES AND ANY ADDITIONAL
FABRICATION IF NEEDED**

Motion: Bullard
Second: Panzarella
Discussion: Bullard said it may need to be powder coated in the future. Cannon questioned if it would only be used in the Cemetery. Bullard determined 80/20 with roads. D'Amico asked if this was for more occasional pouring. Bullard said this is a savings over \$2,000 which is the amount they had previously approved for the purchase of a used Georgia Buggy.
Vote: D'Amico yes, Bullard yes and Panzarella yes.

FIRE DEPARTMENT

SCBA- Panzarella said the Prosecutors office has reviewed the bid package. He advised the board to advertise the bid package.

**RESOLUTION
08-02-03**

**AUTHORIZE UP TO \$700 FOR A LEGAL ADVERTISEMENT
TO RUN ON TWO SUCCESSIVE WEEKS IN THE DELAWARE
GAZETTE WITH THE INTENT TO PURCHASE (14) SELF
CONTAINED BREATHING APPARATUS UNITS.**

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

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 11, 2008

FISCAL OFFICE

Cannon said Resolution 08-01-50 approving \$1000 to the Delaware County Records Office for the digitizing of zoning office records should have been for Delaware County Records Center.

RESOLUTION

08-02-04

MOVE TO CANCEL RESOLUTION 08-01-50

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

RESOLUTION

08-02-05

MOVE TO APPROVE \$1000 TO THE DELAWARE COUNTY RECORDS CENTER FOR THE DIGITIZING OF ZONING OFFICE RECORDS

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

ROAD DEPARTMENT

Small Utility Vehicle- Panzarella said there have been some discussion of a smaller truck used in tight areas for snow plowing. He said we had initially solved the problem by getting an articulating plow for the JD tractor. He said we recently sold that tractor and the trucks we have do not have the proper turning radius. Panzarella said the road department very much wants a smaller truck. He said the truck would also help with picking up dead animals, work signs and running parts. He said the cost to run would be less expensive and we could mount an articulating plow to the front and a salt dispenser to the rear to use in tight areas. He said we tried to purchase this last year however the state contract had lapsed on that size truck. He said it is being introduced again because the problem still exists. Bullard said he would like to take this as an action item and talk with Mike Hart. He said we would save money using a pick up truck.

TRUSTEE ITEMS

Employee handbook and Cemetery digitizing- Panzarella asked about status of the Employee Handbook and Cemetery digitizing. Cannon said she has asked Judy Shumway about the status of the handbook and Judy has told her she would be able to email her an attachment of what she has completed. Cannon said she would not be able to do that with the cemetery information. Panzarella said he just wanted an estimate as to when they would be done. He said the transfer of deeds has made more work. Panzarella said the digital database goes on the server off site and the records would be secure. Panzarella added that a license is purchased every year for the cemetery database. Bullard said if you search Berlin Township Cemetery on the web you can see pictures of some of the stones. Panzarella added there are several historic stones in the cemetery.

Township wide high speed internet- Panzarella said there are still some areas in the township that do not have access to high speed internet. He said ht thought it would be worthwhile to identify the pockets. He said he would like an explanation as to when the township would be done. He said the last time Insight was here; a 2005 meeting they said it would be completed within the year. Bullard asked what they could do. Panzarella suggested putting it in the newsletter. He said we could ask township residents if they do not have access to high speed internet to please let us know. Bullard said they have been contacted by Verizon.

Architect selection- Bullard said he has met with Ray and Rick and is attempting to get more information. He said he would like to keep pursuing. He commented that we can do something as simple or elaborate as we want to. Panzarella said we advertised under Ohio law for contract for Architect to design sports field on a 4, 8 or 16 plus acre layout. He said this was in August of 2007 and we received two proposals. He said money was allotted for the design of sports field, season restrooms and a gravel parking lot. He said the only way to select is based on proposals and technical capability of doing the job. Bullard said he wanted an idea of amount of money we would invest before going to voters. Panzarella said there is no provision in the ORC for design to cost. He said what we will get is proposals that state how much the design will cost. He said the board can decide to move forward or not. He said we have to have a design and specification package and estimate of what it will cost. He said he is trying to move forward. Bullard said he still has some questions

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 11,

2008

that need answered. He said he will continue to talk with Rick and Ray and report at the next meeting. Panzarella commented that a donation for sport fields has been made.

ZONING DEPARTMENT

Trustees reviewed the monthly zoning report. Panzarella noted more money was brought in this January compared to January 2007. He said monthly return to take care of expenses needs to be approximately \$10,000. He said the type of activities is more than just housing. He said there has been some commercial stuff going on.

Bullard said Cathy has been working on having the BZA and BZC minutes put on micro fiche. He said they would be available through the record center. Bullard said we are also working on putting shelving up for zoning records. Bullard questioned if we should do something about the window in the storage room. Panzarella suggested talking with the Fire Chief. Panzarella said he would talk with the chief and give D’Amico recommendations on securing the room for a fire safety standard.

BZC & BZA positions- It was determined that two alternate positions could become available on the BZA. One of the alternates home is for sale and the other has stated they are busy and have not been able to attend meetings. He said the alternate’s term is about to expire did not submit any letter with intent to stay. D’Amico questioned if we needed resignation letters from the two alternates. On the BZC there is an alternate and member position open. Panzarella said we will be interviewing for four positions. D’Amico said the interviews will be on the 25th at 7:30. He said applicants have been phoned and a follow up letter has been sent out. D’Amico asked the board what they thought about standardized questions for the interviews. He said he would come up with some questions and forward them to the board.

TRAINING – Panzarella said there has been some occasional training by the prosecutor’s office for zoning. He said in the past we have availed ourselves with a law firm that deals with zoning issues and provides training. Panzarella said if it only happens every couple of years, it provides some standardization. He said we have already paid for BZC and BZA manuals. Panzarella said the law firm could do both types of training in a 4 hour session. Panzarella said that would possibly allow some migration between both boards. He said everyone will be trained in same base lines. D’Amico said it was an excellent idea. Panzarella said he received a cost estimate for \$1500.00 no matter how many are in attendance. Bullard said it sounds great. He said he would like to have Ray discuss this with board members to make sure training in the past was viable.

RESOLUTION

08-02-06

MOVE TO APPROVE PAYMENT FOR TWO TRUSTEES TO ATTEND THE DELAWARE COUNTY TOWNSHIP ASSOCIATION ANNUAL MEETING ON FEBRUARY 19, 2008 FOR A TOTAL COST OF \$20.00

Motion: Bullard

Second: D’Amico

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

Bullard said we received some pricing from Mike Hart regarding the kick plates for the doors.

RESOLUTION

08-02-07

MOVE TO RESCIND RESOLUTION 01/08/69

Motion: Bullard

Second: Panzarella

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

RESOLUTION

08-02-08

MOVE TO APPROVE \$250 FOR BRASS KICK PLATES TO BE PURCHASED FROM LOWES

Motion: Bullard

Second: D’Amico

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

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 11, 2008

TIME CERTAIN 8:00 P.M. BZC 07-004 HEARING B & N 2005 LLC- MANOS PROPERTY

Panzarella called the hearing to order and discussed the rules of engagement. Panzarella asked if there were any other exhibits to be entered into record.

Cannon read the following exhibits into record:

11. Letter from Scott Sanders dated 12/28/2007
12. Proof of Publication for tonight's meeting in the Delaware Gazette dated January 18, 2008
13. Certified mail receipts dated January 15, 2008
14. 12/12/2007 BZC signed minutes

Panzarella noted that no members of the board are associated with the newly submitted case.

Jack Reynolds, Attorney with Smith & Hale said we talked about this piece of property in April 2006. He said we are here to readopt the preliminary plan with slight modifications to the plan. Reynolds said the last time we were here Mr. Hahn was working on establishing an MOU that would abut Shanahan Road north of Peachblow Road. He said an agreement was to build the parallel road and provide a mechanism with the understanding of the property owners. He said ODOT and the County Engineer have told us that the proposed road will dead end into the creek and they did not want it to go any farther south. ODOT also said they wanted to get rid of curb cuts south of the Hendrix property and asked us to move over into existing parcels. He said this road will provide access for the Hendrix's. He said the plan is moving the road to the west. He said as a result of the change there was a small change in the amount of acreage. He said it was originally 9.28 acres and is now 8.8 acres. The area increased from 27.9 to 28.3 because of the private lane. Reynolds said on the site and text plans nothing has changed. He said he and Ray had previously cleaned up some issues. Reynolds said we also had to come back because the plan is only valid 1 year. He said zoning is still in place. He said this is a two step process and we will still have to get the final development plan to you. Reynolds said ultimate issues will be defined with the final development plan. Bullard questioned the access to the south of Hendrix's property. Reynolds said it would be right in / right out. He said it would not be full service. Bullard asked why the access road to the north was different. Reynolds said it has changed and no one is sure exactly how it will go. He said the road was brought to the front of the manufactured homes instead of cutting through the middle. He said the road is now on the Skeels property. Reynolds said he was trying to give some flexibility as to where the road will go. Bullard said he would like to see it straddle the property line. He said Worthington Arms should have access. But it should be aligned to straddle the property. Reynolds said they would agree to that. Panzarella said before ODOT's suggestion wasn't the EPA and Corp. of Army Engineers concerned with crossing the creek. Reynolds said that is correct. He said it saves a lot of money moving the road to the south. Panzarella asked if there were any set back issues. Reynolds said that was approved by the BZC. He said a reduction was made in the frontage as divergences in order to make road fit. He said the set backs are exactly the same as what was previously approved. Panzarella said he appreciates the work they are doing for the betterment of the area. He questioned why it has taken so long. Reynolds said the problem is getting sewer to the site. Panzarella said it currently ends at Grief Parkway and suggested talking with the zoning officer about possibilities. Erlene Skeels said they did not sign the MOU. She said a road behind us puts me on an island. She questioned drainage and said they have a problem with the trailer area backing water on us. Panzarella said they will have to do a study where the water goes. He said they may do retention ponds or prove that water won't make an impact. Panzarella said there are restrictions on where you can move water. Bullard commented that this board or the township have the right of eminent domain. Skeels said Mr. Hahn has told her the same thing. Stephens from Shanahan Road said he is near the south adjoining property. He asked if this was still part 1 of a part 2 process. His concern was mainly with the buffer zone. He asked when and what would be done. He is concerned with property values. He questioned what negative impact 80 row house condos would be. Panzarella said that was a reasonable question. He said there should be mounding with trees. Stephens said he made that request and was told there was not enough room. Reynolds said they would be staggering trees at 15 foot intervals. He said it would create 80% opacity. Panzarella asked when they would be putting trees in. Reynolds said we will have that discussion when going through the final development process. Panzarella said he knows of no projects that landscaping is done before the project is completed. Stephens said he has seen in other townships that wait until they are purchased. Bullard said in the second phase the structures are built and said before occupancy permits are given everything would be completed. Panzarella said the people in the condo association have to have maintenance agreements to take care of the trees. Bullard said to move the road

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 11,

2008

back. He is not in favor to where it is on the drawing. He said to put it how it is on the MOU back onto Worthington Arms property. Reynolds said that will be fine. Armstrong said the western edge of the right-of-way will be on the property line giving access to both property owners. Stephens asked if there was any progress as far as storing up the house on the property. Reynolds said we are taking bids to have the house and out building taken down.

Bullard suggested two resolutions. Reynolds said the modification needs unanimous approval.

**RESOLUTION
08-02-09**

ROADWAY TO THE NORTH BE MOVED TO BE ALIGNED WITH THE WESTERN EDGE OF THE RIGHT OF WAY AND WESTERN EDGE OF WORTHINGTON ARMS PROPERTY

Motion: Bullard
Second: D'Amico
Discussion: Bullard said this is in support of the MOU.
Vote: Panzarella yes, Bullard yes yes D'Amico yes

**RESOLUTION
08-02-10**

APPROVE BZC CASE #07-004-B&N 2005, LLC AS RECOMMENDED BY THE BERLIN ZONING COMMISSION AND AS AMENDED TO THE ATTACHMENTS REFERRED TO IN THE MINUTES OF THE MEETING – SPECIFICALLY EXHIBITS 11, 12, 13 AND 14

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

Panzarella concluded the zoning hearing and called for a 5 minute recess.
Panzarella called the meeting back to order.

LATE ITEMS

Zoning Office Computers- Panzarella said there is imminent failure on one of the two computers in the zoning office. In the last meeting there was authorization for \$1250 for Beacon Data to purchase a computer. He said it looks like two systems may be failing. He said the trustee CPU system is also failing. He said he would like to replace the 2 in the zoning office and use Cathy's to replace the trustees. He said the zoning office computers would be standardized. Panzarella said he would recommend the replacement of the two systems in the zoning office with Beacon Data being the supplier.

**RESOLUTION
08-02-11**

AUTHORIZE THE PURCHASE OF 2 REPLACEMENT SYSTEMS FOR ZONING OFFICE FROM BEACON DATA SYSTEMS FOR AN AMOUNT NOT TO EXCEED \$3000 FOR EQUIPMENT, INSTALLATION AND SUPPORTING SOFTWARE

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

Panzarella said he received a call from Mr. Williams with a complaint that the snow blade had torn up sod in his yard.

ID Cards for Fire Department- Panzarella said there are various reasons for the fire department to have ID cards. He said Worthington Fire Department will do this if we buy the supplies.

**RESOLUTION
08-02-12**

AUTHORIZE \$200 TO IDVILLE FOR MATERIALS REQUIRED TO MAKE IDENTIFICATION CARDS FOR FIRE DEPARTMENT

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

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 11, 2008

Berlin 4Hers- Cannon said she received a call from Shelly Harris requesting the use of the hall for free. She said most of children live in Berlin Township. Cannon said they have offered to plant flowers or place flags in the cemetery for payment. Cannon said they have used the hall in the past and dates and times will not interfere with township meetings. All trustees were in favor of waiving the fee for the Berlin 4-Hers.

Roof Shingles- Bullard said Mike Hart has been talking with the company that put the shingles on. He said they are trying to find a match.

Peachblow Road Meeting- Bullard said he attended a meeting with the City of Delaware regarding the realignment of Peachblow Road. Bullard said Armstrong and LeBlanc also attended the meeting. He said none of us are in support of changes the city has made with road realignment. Bullard said Commissioner Ward spoke against the changes. Armstrong said Ward demanded the city provide study and information to the County Engineer.

Zoning Camera- Armstrong said the price is comparable at Best Buy, Circuit City and Capital Office Supply.

**RESOLUTION
08-02-13**

MOVE TO BUY A REPLACEMENT CAMERA AND CARD FROM CAPITAL OFFICE SUPPLY FOR AN AMOUNT NOT TO EXCEED \$300

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

Panzarella said the Township attorney is present and we will have to go into executive session.

**RESOLUTION
08-02-14**

MOTION TO ADJOURN INTO EXECUTIVE SESSION FOR THE PURPOSE OF CONFERENCE WITH AN ATTORNEY REGARDING THREATENED OF ON-GOING OR PENDING LAW SUITS

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

Panzarella called the meeting back into regular session. He said we discussed issues with council and no action was taken.

FUTURE MEETINGS- BZC 2/12/2008, MORPC 4/14/2008 and Delaware County Township Association 2/19/2008

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 11,

2008

RESOLUTION

08-02-15

MOTION TO ADJOURN

Motion: Bullard

Second: D'Amico

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

Phil Panzarella, trustee

ATTEST:

Ron Bullard, Trustee

Theresa Cannon
Fiscal Officer

Tom D'Amico, Trustee