

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

April 28,

2008

HELD AT: Berlin Township House, 3271 Cheshire Rd., Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Vice Chairman

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Larry Buell

ROLL CALL: Ron Bullard and Tom D'Amico. Phil Panzarella arrived at 7:25

ATTENDANCE: Judy Shumway, Larry Buell, Darin Hilt and Ed Snodgrass

Public Comment: Bullard asked if anyone wanted to make public comment. Hearing none he moved on to the next agenda item.

Approval of Minutes

RESOLUTION 08-04-16

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

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

CEMETERY

D'Amico said he plans to get together with Larry to go over the charges for an out of season pour and suitable language for two infant burials in the same grave space. Bullard asked Larry if he had any questions or comments. Buell said in the past he has handled items related to the cemetery and if a problem came up he always brought it to the Trustees. He said this last incident snow balled. He commented that the \$505 collected on an out of season pour for a foundation less than 2400 square inches would not be enough to cover costs. Bullard said we were trying to see where the .40 per square inch came from. Buell said there are certain expenses at the time of the pouring as well as the repair of foundations in the future. He said it is like a type of insurance and the amount is compatible with other cemeteries. He asked if the Trustees were going to stick with their latest resolution. Buell said he thought the resolution was going to hurt the township and that it was made without much thought. He said when discussions began regarding special pours he did not think it was a good idea. He said the special pour was done for someone not in the township and maybe they don't understand what goes on in this township cemetery. Buell said he has 13 to pour the week of May 12th. He said he has informed Brodi and the memorial companies will have time to set the stones after the 16th. Buell said he has had someone contact him about a special pour and after telling her it would be an extra \$545.00 they were not interested. He said maybe they should be notified and told they could do the whole foundation for \$505.00. Buell said there has been discussion about using post hole diggers and asked how much flat surface was dug for the special pour foundation. Bullard said 32 inches. Buell said there has been some controversy on using just post holes. Bullard said the problem is when the ground freezes. Shumway commented that the township just spent over \$10,000 fixing post hole foundations. She said that money is part of what is left over from the .40. Shumway said the .40 also includes benefits of wages. She said the perpetual care of the cemetery is our responsibility. Bullard said he came up with the \$505 from adding the cost of concrete, wood and labor. Shumway said each foundation should be calculated individually. D'Amico asked if it was better to 1 fee or vary them. Buell said it would be easiest to say no to out of season pours. He said the only fair was with a surcharge. Buell said what ever you decide to do please stick with it. He said you deviated from the last resolution and made me look like a liar. D'Amico asked how many times we have had out of season pours. Buell said this is the first one in 47 years. Buell commented that if others would have known it was this cheap they may have done it as well. Shumway commented that everyone grieves but does not believe in the out of season pour. She said if it is done it should be a surcharge by square inch as well. D'Amico said he thinks it is ridiculous to not work with Buell's expertise with the cemetery. He suggested meeting with Buell and coming back to the next meeting with information. Panzarella arrived and said for Bullard Vice Chair to carry on with the meeting. D'Amico said he does not think the township needs to make money on the foundations but they need

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to cover costs for now and the future. Panzarella said he had prepared a cemetery white paper and came up with charging an additional .17 cents per square inch for out of season pours. He said the white paper made several key points. He said the compensation was based on fairness and it assured that the purchaser of the foundation was not being subsidized by the township and that the township was not being reimbursed for more than what was required to accomplish the job. He said he clearly stated that if in fact the price paid was not covering the amount of money it took that I under Ohio law would personally pay the difference. Panzarella said he presented this to the board however they wanted to do something else. He said it was okay. Panzarella said if I personally made a mistake I will personally pay. Bullard suggested rescinding Resolution 08-04-03 to avoid confusion. Panzarella agreed we should avoid confusion and suggested D’Amico do his research with Buell. He asked if there were any special pours pending and said in season pours start May 1st. Buell said our in season pour is May 15th or 16th. He said if they want something done on the 12th it is an out of season pour. Panzarella said we could have a special meeting if someone wants a special pour. He said the problem is no one has defined out of season pour. He said all we have is May and September. He said we must define and said the reason we got here is because it was never in the cemetery rules. Panzarella said we need specific dates. Bullard advised the board to rescind 08-04-03. Panzarella said he disagreed with rescinding. He said we then have no amount for an out of season pour. He suggested rescinding and making it an additional .17 cents per square inch. Buell said that won’t cover it.

**RESOLUTION
08-04-17**

MOVE TO RESCIND RESOLUTION 08-04-03

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

**RESOLUTION
08-04-18**

MOVE THAT REGARDLESS OF SIZE UP TO 1320 SQUARE INCHES THE CHARGE FOR OUT OF SEASON FOUNDATION POURS WILL BE \$505.00

Motion: Bullard
Second: D’Amico
Discussion: Panzarella said this could be changed if D’Amico comes up with another amount.
Vote: Panzarella yes, Bullard yes and D’Amico yes

Buell asked the board about renting a trac-hoe for pouring the 13 foundations. He said they have some large foundations to do and using a post hole digger will take a lot of time. Buell said Brodi has used one in the past. Bullard said whatever works bet. Panzarella asked what was used in the past. Buell said a trac-hoe. He asked the board if they were going to buy a post hole digger he would like to have it by the 12th of May.

8:00 TIME CERTAIN – BZC CASE #08-002 P & D Builders – Preliminary Development Plan for Parcel #41944005014000, Lot 3873, Grief Corporate Park for construction of a 20,000 square foot corporate office building

Bullard asked if they had a presentation. Ed Snodgrass introduced himself and Darren Hilt. He said they met with Mr. Panzarella earlier in the process. Snodgrass said this is divided into two townships. The building is in Berlin and the driveway is in Liberty. He said the last portion of the building was recently sold to Trimble Insurance. Cannon said she had two exhibits to enter into record. Exhibit 18 is Proof of publication in the Delaware Gazette on April 14, 2008. Exhibit 19 is the certified mail receipts dated April 14, 2008. Bullard asked D’Amico if he had any comments. D’Amico said no. Panzarella asked if the driveway met the setbacks of Liberty Township. Snodgrass said they are working out details with the county engineer. Panzarella commented that there was water and sewer and they had met with the fire chief. Bullard commented at the time of the drawing there was a lot of vacant space in the building. Snodgrass said all four condo units are now completely full.

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RESOLUTION 08-04-19

MOVE TO ACCEPT BZC CASE # 08-002 WITH TWO ADDITIONAL EXHIBITS AND AS RECOMMENDED BY THE BERLIN ZONING COMMISSION

Motion: Panzarella

Second: Bullard

Discussion: Snodgrass asked where it went from here. Bullard said to talk with Ray Armstrong about getting your permits. Hilt asked if they would discuss the CRA May 12th. Panzarella said that was the next trustee meeting. He said he will be at the TINC on April 30th.

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

Bullard said this concludes BZC Case # 08-002.

Panzarella asked for a 5 minute recess. Bullard called a 5 minute recess.

Bullard called the meeting back to order.

FISCAL OFFICER

EMS Agreement- Cannon said she has made copies for all three trustees and placed them in their mailboxes. Panzarella said to review at their leisure and the agreement will be discussed at the next meeting. He said he has not discussed this with the chief.

Flowers for the Township Hall- Cannon said the last few years they have purchased and planted flowers at the entrances of the township hall.

RESOLUTION 08-04-20

APPROVE THE PURCHASE AND PAYMENT UP TO \$500 TO OAKLAND NURSERY FOR FLOWERS FOR THE TOWNSHIP HALL

Motion: Bullard

Second: Panzarella

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

Budget- Cannon asked that budgets be turned in to her office by May 19th. She said she will distribute additional reports when she closes April.

ROAD DEPARTMENT

Bullard said he met with Eldon Johnson and will be presenting the board with information on street sweeping and the cleaning of sewers at a future meeting. Bullard said with the cost of road salt going up he would like to purchase some at the price we were locked into this year. He said he will have a resolution at the June 9th meeting. He said he would like to see the bins full with salt based on the lower price. Bullard said after talking with Brodi regarding the cost of gravel they have decided to load up on gravel when they take a truck to town. He said this should save on time and money.

Panzarella said our OPWC application was turned down for the summer. He questioned if we have received the County Engineers cost for submitted road maintenance. Bullard said he was told by Eldon to contact Ryan Mraz about what we should state on application. Panzarella questioned how long Summer Blvd. could wait for repairs. He said he would like specifics from Mraz. He said we could possibly look at a less expensive way, one the county engineer has recommended. Cannon said she has not received any information on the OPWC grant. Panzarella and Bullard both said they have not received anything either. Panzarella said we need to confirm we were turned down and see what else we can do. Bullard said he would talk with Mraz.

Bullard asked for the trustee's signature on a request for engineering assistance and recommendation. He said it is a request for video taping the condition of 3B's & K from Cheshire to Plumb Roads, especially in areas of school construction.

TRUSTEE ITEMS

Bullard said he was at a meeting with the City of Delaware about the road coming into Glen Road from 36/37 and the closing of Glen Road for about 2 weeks. He suggested they contact the County Engineer because the township does not have the authority to approve. He said Curve was listed as an alternative. Bullard said that EMH&T was also in attendance. He said Armstrong came with him.

Bullard said we will get 3 containers from Sargent for the Clean up day. He said if one is full mid day they will come and dump it. He said COC will also be there until noon. Bullard said

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we will be charged a reduced rate of \$25.45 per ton for the first 35.9 tons of waste. He said the full charge amount is \$50.90. Bullard said Irwin and Paykoff will be there and he will talk with the chief about how many others he will need. Panzarella asked about vouchers. Bullard said he would get copies from Jennifer at the health department. D’Amico asked about front loaders for dumping heavy items. Bullard said we will use the road department’s equipment.

**RESOLUTION
08-04-21**

APPROVE APPROPRIATIONS AND PAYMENT UP TO \$2,000 TO SARGENT ENTERPRISES, INC. OF ASHLEY FOR ROLL-OFF CONTAINERS TO BE USED ON THE TOWNSHIP CLEAN UP DAY SCHEDULED MAY 3RD

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

Future Meetings

TINC on 4/30/2008- Panzarella to attend; MORPC on 5/6- Panzarella to attend and brief board. Bullard said no one attended the April 22nd ODOT meeting. He said he would contact them for information that was discussed.

Late Items

Bullard suggested the purchase of a post hole digger with different bit sizes for use in digging cemetery foundations.

**RESOLUTION
08-04-22**

APPROVE APPROPRIATIONS OF \$850 FOR THE PURCHASE OF A POST HOLE DIGGER AND A 9 AND 12 INCH BITS FROM TRACTOR SUPPLY TO BE USED IN THE CEMETERY

Motion: Bullard
Second: Panzarella
Discussion: D’Amico asked if this was similar to what was used the other day. Bullard said yes and that it could be used for other things as well.
Vote: D’Amico yes, Panzarella yes and Bullard yes

Panzarella thanked Bullard for filling in for him tonight. D’Amico said he received a call regarding speed limit problems on Devonshire. Panzarella said we can not enforce the speed limit below 25mph. He said the sheriff’s patrol subdivisions and try to enforce speed limits. Panzarella said in the past we have discussed hiring special police patrols. He thought the cost was \$48.00 per hour with a minimum of 4 hours. Panzarella said we could talk with present sheriff depending on how serious the problem is. He suggested first requesting a monitor in there to let drivers know how fast they are going. He asked D’Amico to let him know at the next meeting if he wants him to talk with Sheriff Davis.

**RESOLUTION
08-04-23**

MOTION TO ADJOURN

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

Meeting adjourned by Vice Chairman Bullard at 8:40 p.m.

Phil Panzarella, trustee

ATTEST:

Ron Bullard, Trustee

Theresa Cannon
Fiscal Officer

Tom D’Amico, Trustee