

## BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

September 22, 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 Charlie Hall
- ROLL CALL:** Phil Panzarella, Ron Bullard and Tom D'Amico.
- ATTENDANCE:** Charlie Hall, Bill Bechstein, Rob Meyer, Ron Thomas, Larry Buell, Chris Paykoff

**Public Comment:** Panzarella reviewed Resolution 05-07-44 which pertains to how public comment is conducted at township meetings. Panzarella asked if anyone wanted to make public comment. Rob Meyer came before the board to let them know of an annexation of land that is being pursued in the township. He said this is usually done by mail notice but he wanted to give a heads up. He said we are looking to annex the front properties to the land that Dominion owns on Cheshire. Meyer said he believes it is 100 feet on one side and 150 feet on the other. He said they do not have a signed petition yet. Bullard said the township was interested in a walking/bike path from the railroad tracks west to the Senior Center. He said we would still like to see that happen. Meyer said they would look into that. Panzarella said he appreciates the heads up. He said court documents make it clear what property is in the township. Panzarella referred to the future school site and said that Cheshire Road is busy and kids will be traveling on the road. He suggested they be sensitive and talk with the school so that children are not put at risk. He also asked them to consider the bike path. Meyer left a business card in case the trustees had any questions.

Ron Thomas of Summerwood said the fire department came to his house because of a neighbor calling regarding an open burn. He said he has looked at the code with regards to an open burn after a disaster. He questioned the definition of a fire pit, a contained fire, the size of a fire and what distance it has to be from houses. He asked what his legal rights were. He asked what he could do to keep the fire department from coming to his home. He said he was just trying to clean up after the wind storm. Thomas said when the fire department arrived he told them he was in the right. He said the fireman did not like that and later returned with a lieutenant and a sheriff. Thomas said "That is not a scene I want at my house". Thomas commented that the state park has fire pits. Panzarella said there were some interesting circumstances with the large storm. Panzarella said the governor declared a State of Emergency. Panzarella said with regards to fire pits there are a number of them in the township. He said that zoning has researched and there is nothing in the code. He said he would like the board to address this and said that this does not take precedent over fire codes or other legislative codes. Panzarella said people use our website and suggested it would be a convenient place for the chief to give advice and state the laws according to the code. He said hopefully there will be an article in our next newsletter regarding open burning. He said builders and developers should be made aware of this as well. Panzarella recapped Thomas' questions and asked the chief to answer the following: Can I burn under any circumstances; if I am allowed to burn what can I burn, and if I am allowed, under what conditions can I burn. Bullard said we use to issue burn permits in the township. He said gentlemen set himself on fire in Powell while burning leaves. The EPA took over all open burning and said we could no longer issue permits. Bechstein thanked Mr. Thomas for bringing open burning to the fire department's attention. He said he agreed that with the recent weather conditions we were in a different situation. He said as far as open burning the state does allow a township or a municipality to burn however they must get a permit from the EPA and declare a specific site. He said open burning is the biggest clause in the Ohio Administration code. He said the fire is required to be 1000 feet from an inhabited building. Bechstein said a recreational fire must be 25 feet from a house. He said the restriction on what can be burned is limited to dry seasoned wood or a natural gas burning. He said these do not create a lot of smoke. He said also in the fire code it states "someone must be in attendance of the fire with an extinguishing agent". Bechstein said if you believe you are within your rights and a neighbor continues to complain to 911 they could be held liable for tying up emergency services. Thomas said, "When the fire department returned they did not give me the option to extinguish my fire. They dragged their hose across my lawn". Thomas questioned that they said his fire was not contained. Bechstein explained the difference between a ceremonial bonfire which could be up to 5 feet and a campfire which is 3 feet diameter and 2 feet high. Bechstein said if the fire is contained and the smoke is not bothering neighbors it does not have to be

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extinguished. He said the township needs to be educated on open burning. Thomas asked about an outdoor fireplace. Bechstein said they are enclosed. He added that they did not regulate chiminea's. He said that a builder must know the fire code and that they need to build at least 25 feet from the house. He said otherwise an insurance company may not cover a claim. Bechstein said an open burning fire is not allowed for the majority of home owners in the township. Bechstein said when a complaint comes in if it is possible we would go to the house to see if the smoke is bothering the people. Thomas commented that other cities prosecute people for calling 911 falsely. Panzarella said it is a matter of common sense. He said the chief will put together a letter explaining open burning and we will hopefully have something in our next newsletter. Bullard said that you may want to check with your deed restrictions as well. He said there could be rules in excess of what the township permits.

**Approval of Minutes**

**RESOLUTION  
08-09-23**

**MOVE TO APPROVE THE REGULAR MEETING MINUTES FROM SEPTEMBER 8, 2008 AND TO DISPENSE WITH THE READING**

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

**RESOLUTION  
08-09-24**

**MOVE TO APPROVE THE SPECIAL MEETING MINUTES FROM SEPTEMBER 17, 2008 AND TO DISPENSE WITH THE READING**

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

**FISCAL OFFICE**

Cannon said that a previous requisition from the road department had the wrong vendor and asked the board to approve changing vendors from D&M Distributors to Safety Service Products Inc. She said it was purchase order #109.

**RESOLUTION  
08-09-25**

**MOVE TO CHANGE VENDOR ON PURCHASE ORDER 109 FROM D&M DISTRIBUTORS TO SAFETY SERVICE PRODUCTS INC.**

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

Invoice has been received from WDC for \$2490.

**RESOLUTION  
08-09-26**

**MOVE TO APPROVE PAYMENT OF \$2490 TO WDC FOR ENGINEERING SERVICES FOR A NEW SPORTS FACILITY**

Motion: Panzarella  
Second: Bullard  
Discussion: Panzarella said this is 10% of what the board previously authorized. Panzarella said on the agreement that the board authorized him to sign there was a service fee for supplies which he objected to. He said he crossed out the fees for supplies and has not yet seen the form returned with their signature.  
Vote: D'Amico yes, Panzarella yes and Bullard yes

**ROAD DEPARTMENT**

**Salt-** Bullard said after our special meeting we have generated a purchase order for 150 tons of salt at the cost of \$152.92 per ton. He said he has also been in contact with the county and has been informed by John Link that we are able to receive up to 200 tons at about \$60.00 per ton. Bullard said he has not figured out if it makes sense to cancel the

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150 tons. D'Amico verified that 200 tons was the max from the county. Bullard said it is the max they will commit to at this time. Bullard said he likes having the 150 tons as a cushion. D'Amico said with the 140 tons we already have in inventory he did not think it was necessary to purchase the 150 tons at \$152.92. He asked about any other vendors. Bullard said the Southwest purchasing group had 4 groups. He said we did not pursue the ODOT purchasing group. D'Amico said he went on line to try and find a provider and saw something around Dayton for \$97 per ton. Bullard said a lot of times delivery is not included. D'Amico said, with what the County is offering this would put us over 300 tons and if we can get out of the other we should. Panzarella said according to Mike Hart's memo we have 150 tons of salt on hand. He said in the past we have used approximately 245 tons of salt with the exception of last year. He said in our special meeting we wanted to cover that so we authorized the purchase of 150 tons. He said the minimum to purchase was 100. Panzarella said the county has "verbally" said they would let us have 200 tons. He said we would not take much risk if we dropped the 150 tons to 100 tons. He said if we could decrease to the minimum or get out of the order it would be preferable. Panzarella asked the fiscal officer about funds. Cannon said by canceling the previous purchase order it would free up funds in 2231. She said she would then be able to write a purchase order for the salt to be purchased from the county. Panzarella said he is not sure we can legally get out of the agreement. He said he wants to make sure we are covered this year. Bullard suggested allowing him to continue working with ISCO and the County regarding salt purchasing. D'Amico questioned if there would possibly be a penalty for canceling agreement. Panzarella said he is cautious because we do not have a written agreement from the county at this time. He said if there was one he would agree to cancel the purchase from ISCO. Bullard said he is willing to go either way. Panzarella said there are other ways to increase the effectiveness of salt and increase its use. He said mixing with grits or pre-wetting the salt are two options. Bullard said he would contact John Link and get in writing that the County will provide 200 tons. He said once he receives that he will contact ISCO and if they will cancel the agreement without charges that's what we should do. He said that would make sense. Panzarella asked if that made sense to the board. D'Amico and Bullard both said yes. Charlie Hall commented to the board that years ago when we would get a lot of snow they did not use salt. He said they used grits. Hall said people had complained that salt was eating everyone's cars. Hall said they cleared 17.4 miles of roads with 1 truck. Panzarella said we have twice as many roads and 3 trucks now. Paykoff said there are more intersections now and we are trying to be comparable with what other areas are doing.

**Township Road Inspection Date-** Bullard will talk with Eldon Johnston about potential date. Board agreed it should be before Thanksgiving.

**Crack Sealing-** Bullard said the Road Department has said that we don't need to do any crack sealing in 2008. Panzarella said we should get the road superintendent's recommendation in writing.

**Cul-De-Sac- Parking-** Bullard said we can talk about this all we want. He said the road department does not care one way or the other. Bullard said what he did find out was that Orange Township has banned parking on all cul-de-sacs because of their ladder truck. He said because of the mutual aid agreement we should probably do the same thing. He said the national fire code has specifications regarding turn radius and how long the stub road must be. Bechstein said they are the primary response to a township fire and added the truck in question would be their 134 foot ladder truck. Bechstein said zoning in the cul-de-sacs should be based on fire trucks. Panzarella said there should have been these discussions before because our zoning is not set up for that. Bechstein commented zoning has eliminated islands. Bullard said that was correct. Panzarella said "he is not sure we should restrict ourselves". He said we should go through the Regional Planning Code and see if there is any language related to this. Panzarella said we are servicing 96% of our own calls. He questioned BST&G and Liberty's truck sizes. Bechstein said Orange is the only one with a 134 foot. He said BST&G have a 100 foot truck. Panzarella said ladder trucks are not always in service. Paykoff commented that it isn't so much the length of the ladder truck but the wheel base. He questioned if any one checked with the sheriff to see if no parking was enforceable. Panzarella reviewed costs for hiring off duty patrol. Bullard said when it comes to enforcement the no parking is 200 feet. He said he believes the fire code says what we need to follow and he thinks we should do that. Panzarella questioned if the fire code says no parking in cul-de-sacs. He asked that presentation be at the next meeting.

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**RESOLUTION  
08-09-27**

**MOVE TO HAVE NO PARKING ON CUL-DE-SACS IN  
BERLIN TOWNSHIP**

Motion: D'Amico

Second: Bullard

Discussion: Panzarella said with regards to cul-de-sac parking, it is a function of density, diameter of circle and it should be traceable to the county standards because of the platting process. Bullard said no parking in cul-de-sacs has ever been rescinded. He said he does not think the motion is necessary. He said it already exists.

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

Bullard said he would like to have an executive session with regards to road personnel. He said it can be delayed to later in the meeting.

**CEMETERY**

D'Amico said he had talked with Larry Buell regarding the analysis Jim Hahn prepared for the cemetery. He said Buell mentioned he was not in agreement of the adoption of the documents. Buell said he is not sure what you mean by adopting this. He suggested waiting until the organizational meeting before we make any changes to the cemetery fees. He said the way he reads this it costs less than what it costs the township. D'Amico said Buell has been sexton for a long time and we should consider his comments. Buell said he is not sure the analysis takes in every variable. He explained how sometimes a trachoe is used for foundations and sometimes a post hole digger. He said the amount of pours varies. Buell questioned line 70 with regards to the cost of a foundation. Panzarella said there are two issues. What the board decides to do and when we decide to do it. Panzarella said we have in past established normal pours at the organizational meeting. He said last year we had 1 out of season pour and were given varied charges. He said first we were told an additional \$1000 and then an estimate of \$545. Panzarella said the question is what should it be and how do we prove it. To do that we had to figure out what the costs are. He said we had estimates from knowledgeable people that came out less. He said we got an independent person, not on the board, and he looked at all costs. He said he provided a basis of figures for the prosecutor to review. Panzarella asked, "Should the board look at this or continue guessing at what to charge". He said this is a reasonable basis for costs to make sure we do not undercharge or overcharge. Bullard said this is merely a summary of determining costs. He said these are not rules. Buell said he understands that and will do what ever the Trustees say to do. Buell questioned the cost of grave spaces. Bullard said we can set the cost at what ever we want. Panzarella said with the transfer of plots to residents outside of the township we have to have a way to show that a tax payer is not subsidizing others. D'Amico said he does not know if the analysis is 100 percent accurate but said it was impressive. He said we want everyone treated fairly. Buell said Hahn led him to believe the analysis was not complete and asked that he not share information. He said he was not provided a copy of the analysis until after he asked the fiscal office for one. Panzarella said that there is a second letter to the prosecutor regarding the cemetery and he has been told it should be answered within a month. He said it deals with more than just foundations. He said that should give us a couple of weeks before the organizational meeting. Buell commented that in the paperwork it is mentioned not charging for a military marker. He said what about the families that have already paid for one. Panzarella said there has to be a basis to make the change. Bullard said this is just a working document. He said changes can be made. Panzarella referenced line 71 and assumption of volume and line 69 top to bottom says 33 inches and it was 30 inches this year. Buell said they go 30 inches deep and then raise it 4 inches above ground. Paykoff asked if the \$1000 was to discourage out of season pours. Buell said he hopes the board will eliminate out of season pours at the organizational meeting. Paykoff said there are some people that would expect it to be done immediately. Panzarella said conditions had to be favorable. Panzarella said the analysis is important to quantify costs.

**RESOLUTION  
08-09-28**

**MOVE TO ADOPT AS A WORKING DOCUMENT THE  
METHODOLOGY OF THE COST ANALYSIS AND WRITTEN  
TEXT REGARDING THE CEMETERY BY JIM HAHN DATED  
9/8/08**

Motion: Panzarella

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Second: Bullard

Discussion: D'Amico said he was still against out of season pours. Panzarella referenced line 69 and 33 inches/30 inches.

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

**FIRE DEPARTMENT**

Requisition 2008-09-07 emergency tire repair on engine 392-

**RESOLUTION**

**08-09-29**

**APPROVE EMERGENCY TIRE REPAIR FOR \$480 TO PRECISION ALIGNMENT & TIRE INCORPORATED AS STATED IN REQUISITION 2008-09-07**

Motion: Panzarella

Second: D'Amico

Discussion: D'Amico asked if the repair has already been done why add 20%. Bullard said we asked that be included in purchases.

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

Requisition 2008-09-06 uniform pants for Greg Prantl-

**RESOLUTION**

**08-09-30**

**APPROVE THE PAYMENT OF \$100.80 TO PHOENIX FIRE SERVICE SYSTEMS FOR UNIFORM PANTS FOR GREG PRANTL AS STATED IN REQUISITION 2008-09-06**

Motion: Bullard

Second: D'Amico

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

Open House- Panzarella said in the past we approved the purchase of up to \$500 for miscellaneous food and drink items at the open house.

**RESOLUTION**

**08-09-31**

**APPROVE UP TO \$500 FOR MISCELLANEOUS ITEMS (POPCORN, CANDY, COFFEE, ORANGE DRINK, ETC.) FOR THE FIRE STATION OPEN HOUSE ON OCTOBER 26, 2008**

Motion: Panzarella

Second: Bullard

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

Firefighter Probationary Period- Panzarella said we have hired several new firefighters and have previously established a 6 month probationary period. He said we have established start dates for three and are still waiting on a start date for one. He said he would like to ask the prosecutor about the 6 month probation at the boards' discretion. He said we don't have to make a decision. Panzarella said he will contact the chief about the start date for the last firefighter hired.

**TRUSTEE ITEMS**

Audit Committee- Panzarella said the chair of the committee has a conflict of interest and can no longer serve on the committee. He said we have two members and asked the board to find a chairman. He said this individual should be quite familiar with audits. Bullard asked if the last chair could provide a recommendation. Panzarella said he has asked him. Panzarella said they should meet this year. Cannon asked when the other members were appointed. D'Amico questioned who they were. Panzarella asked for possible chairman names at the next meeting.

Newsletter- Panzarella said articles should be to Cathy. He said articles submitted deal with recycling, zoning, and open house. He said it is 80 percent complete. He said we need a resolution to pay for the newsletter and postage. Cannon said the cost for postage has increased.

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**RESOLUTION  
08-09-32**

**APPROVE \$1500 FOR THE CONSTRUCTION AND POSTAGE  
OF THE TOWNSHIP NEWSLETTER**

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

New Line or Partition Fence Procedures- Panzarella reviewed the New Line Fence responsibilities that came about because of HB 323. The new procedures go into effect September 30<sup>th</sup>. Panzarella said there are two options to file a dispute, either the Common Pleas Court or with Township Trustees. He said procedural guidelines and a sample of "Notice of Rights" will be kept in the Fiscal Office. Bullard said the fence line deals with farm animals not fences between homes. Cannon suggested that the zoning office and road department also have guidelines on hand.

OTARMA Audit Recommendation Implementation- Panzarella said after meeting with KLA Risk Consulting they provided us with several recommendations to help with loss control. He said for the fire department there is a Hepatitis B Shot form and a daily log that should be completed. He added the road department should also keep a daily log on trucks. All employees need to provide the fiscal officer with a copy of their driver's license and car insurance. Panzarella said everyone should have a copy of their suggestions.

Driveway Culverts- Bullard said he has asked the road department and zoning inspector to check with other townships to see what they do with culverts. He said he would come back with recommendations on how to fix the issues.

Trick or Treat- Berlin Township will hold trick or treat on Friday, October 31<sup>st</sup> however a time was not determined at the organizational meeting.

**RESOLUTION  
08-09-33**

**AUTHORIZE TOM D'AMICO TO CHECK WITH  
SURROUNDING TOWNSHIPS TO DETERMINE TIME FOR  
TRICK OR TREAT**

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

Late Items- Panzarella said he received a fax regarding a grant writing seminar and asked if anyone was interested. He said it was \$349. Cannon will check with Judy Shumway to see if she is interested.

BZC/BZA Alternates- D'Amico suggested advertising one more time for members. He said he would also like to put it in the newsletter and on the web site. D'Amico said he did not think it was necessary to advertise in the Delaware Gazette. Bullard agreed.

Snow Plow class- Bullard said he would like the three snow plow drivers to attend a class on snow plowing. He said there is one downtown and he will check to see if the county offers one.

Refuse Collection- Cannon said she was notified from Rumpke that our new trash collection day will be Monday starting September 29<sup>th</sup>. She said they suggest putting the trash out on Sunday night. Cannon said there shouldn't be a problem since the road crew starts work at 7:00 a.m. Cannon said Hart and Irwin were notified of the change.

BZC Hearing- Cannon said the BZC will be turning over BZC 006, 007, 008, 009 and 010 next week. She said the cases are text amendments to Articles 5, 6, 21, 22 and 23-30. Cannon said she will provide the trustees with the packages as soon as she receives them. Trustees will hear the cases October 27<sup>th</sup>.

**RESOLUTION  
08-09-34**

**RECESS INTO EXECUTIVE SESSION FOR PERSONNEL  
ISSUES RELATED TO EMPLOYEE HIRING AND SALARIES**

Motion: Bullard  
Second: D'Amico

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Discussion: Panzarella said the fiscal officer is invited to the executive session.  
Vote: D'Amico yes, Bullard yes and Panzarella yes

**RESOLUTION**

**08-09-35**

**MOVE TO RETURN TO REGULAR SESSION**

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

Panzarella said personnel issues were discussed.

**RESOLUTION**

**08-09-36**

**UPON WRITTEN ACCEPTANCE EFFECTIVE OCTOBER 5, 2008 MIKE HART TO ASSUME THE POSITION AS ROAD LABORER ii AT THE PAYRATE OF \$16.27 PER HOUR WITH NO PROBATIONARY PERIOD REQUIRED**

Motion: Bullard  
Second: D'Amico  
Discussion: Panzarella asked if Bullard thought this would be a good thing for the road department. Bullard replied he did.  
Vote: D'Amico yes, Panzarella yes and Bullard yes

**RESOLUTION**

**08-09-37**

**UPON WRITTEN ACCEPTANCE EFFECTIVE 10/5/2008 BRODI IRWIN TO ASSUME POSITION AS ROAD SUPERINTENDENT AT THE PAY RATE OF \$17.37 PER HOUR WITH 6 MONTH PROBATIONARY PERIOD**

Motion: Bullard  
Second: D'Amico  
Discussion: D'Amico asked if Brodi would be making more as a supervisor. Bullard said yes.  
Vote: Panzarella yes, Bullard yes and D'Amico yes

**Late Item**

Modification of New Fire Boat D'Amico said he had one last late item. He asked, "Who authorized the safety access point on the new rescue boat". Again he asked "Who authorized the fire department to cut a hole in the front of a new boat". Panzarella said, "The chief advised me the free bird of the boat was too high for a water extraction. I asked what modification he was recommending. He recommended what was done to a boat in a different township. I asked him how long it had been modified and was told a couple of years. I also asked about reinforcements. The Chief said I was advised that they were not sure if they were needed. I told them to watch carefully to see if it will or will not need them. It was recommended to the fire department by the supplier. I told the chief if reinforcements were needed to come back to me". Bullard questioned, "Does it affect the boat warranty". Panzarella said, "I do not know". D'Amico said, "It appears it might. I was bummed when I saw it". Panzarella said, "The Chief had to make a decision for fire service and how it affects there work environment. I tend to accept the chief's judgment". Panzarella said, "I get the impression that you don't think the fire department can't operate without supervision". Panzarella again said, "I tend to agree with the chief since he knows the environment". Panzarella commented, "They always modify fire trucks". D'Amico said, "I am not questioning if they need supervision. I wanted to know why we had to cut a hole in a brand new boat. I was concerned with the rough edges and integrity of the boat. It sounds like they mirrored another boat". Bullard said, "He does not think D'Amico's question relates to more supervision in the fire department. He just wanted an answer. It is good to know the background".

**RESOLUTION**

**08-09-38**

**MOTION TO ADJOURN**

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

Meeting adjourned by Chairman Panzarella at 10:00 p.m.

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Phil Panzarella, trustee

ATTEST:

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Ron Bullard, Trustee

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Theresa Cannon  
Fiscal Officer

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Tom D'Amico, Trustee