

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

March 23, 2009

- HELD AT:** Berlin Township House, 3271 Cheshire Rd., Delaware, OH
- CALL TO ORDER:** Ron Bullard, Trustee Chairman
- PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Joe Korleski
- ROLL CALL:** Phil Panzarella, Ron Bullard and Tom D'Amico; Theresa Cannon, Fiscal Officer
- ATTENDANCE:** Toni Korleski, Joe Korleski, Mary Jayne Santos, Jennifer Boytar, Terry Tamasovich

Bullard referred to Resolution 05-07-44 regarding rules with public comment. Anyone wishing to speak should identify themselves and would be given 3 minutes to talk. Bullard asked if anyone wished to speak.

Mary Jane Santos, Director of the Delaware County Library, informed the board and residents that the Library will have a levy on the May 5th Election and asked for support from residents. Santos said the state funding has been frozen at the 2001 level since 2002 and in 2008 it was unfroze and went down 16%. She said the library is 94.4% dependent on state funding. Santos said this is the first time in 103 years they have asked for operating funds. She said the library is busier now and is receiving less funding. Santos said on October 29th they ran out of money in 2008 and will run out of funds in August this year. She said if we are not able to enhance funds we will have to look at serious cuts. Santos said the levy is for 1 mil for the next 10 years. That would cost a \$100,000 homeowner approximately \$2.55 a month. The levy would go towards increasing materials, upgrading technology, expansion of hours and a new 30,000 square foot branch in Orange Township. She said it would employ 20 plus employees and be a full service branch. Panzarella questioned their budget. Santos said their operating budget was 2.4 million and their revenue was 2 million. Panzarella commented that they would not be able to collect money until next year. Santos said they are able to borrow money. Panzarella asked what the levy would generate. Santos said 4.7 million a year. She said the new library building is 8 million. Santos said 80% of the generated money for the first seven years will pay for the building. Panzarella questioned if they thought about delaying building the new library until they had the funds. Santos said they have no means of saving money without the levy. Bullard asked if there were any other questions. Santos questioned putting information about the levy in the newsletter. Bullard said they have not and will not be placing political venues in the township newsletter. The Library Levy is the only item for Berlin Township to vote on in the Primary Election on May 5th. Terry Tamasovich, Marina Homeowner Association member, said they are looking to upgrading street signs in the neighborhood. He said the signs are leaning and the posts are different lengths. He said they would like to upgrade with approximately 6x6 posts. He said that the homeowners association was willing to pay for any upgrades. Bullard said the road department has been looking at different street signs and tonight will be ordering galvanized sign posts. He said they will be starting with the worst sign posts. Bullard suggested he meet with Brodi Irwin, Road Superintendent. Panzarella said if you upgrade there would be an upgrade to maintenance as well. Tamasovich said they are willing to do that. Bullard asked if he was available during the day. Tamasovich said he could be available. Bullard asked if there was any other public comment. Hearing none he moved on to the next agenda item.

RESOLUTION 09-03-13

MOVE TO APPROVE THE REGULAR MEETING MINUTES FROM 3/9/2009 AND TO DISPENSE WITH THE READING

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

FISCAL OFFICE

Cannon informed the board that she would not be able to process the check for the postage of the next newsletter until she has an exact count from Cathy. Cannon said the process has changed at the post office and they will no longer issue stamps for checks that are over the amount. She said they should plan on when the check should be processed since there is time sensitive material in the newsletter. Panzarella questioned if there was a way to

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have it printed, processed and mailed out. Cannon said she was not aware if Ohio Wesleyan did that.

CEMETERY

Bullard said he received a complaint regarding flowers being removed from a grave site. He said the road crew removed roughly a truck load of flowers when they cleaned the cemetery after one of the wind storms. Bullard said there were flowers along the fence line. He said it was a matter of cleaning the cemetery. Bullard said they will call the individual.

Panzarella said the phone call came before the cemetery clean up date. He said the date was established and we must adhere to that date. Bullard commented that there was trash all over with the February wind storm. Panzarella said it is only fair that the resident be contacted. He said we have rules and should follow them in the future. Bullard said he will discuss this with Brodi.

D’Amico questioned Bullard if he had any information on the sign update. Bullard said he did not have any new information.

FIRE DEPARTMENT

Requisition 2009-03-04: One pair of assault pants and one pair of suspenders for Firefighter Tom Bensen.

RESOLUTION

09-03-14

MOVE TO APPROVE REQUISITION 2009-03-004 TO FIRE SAFETY SERVICES, INC FOR \$1,058.40 FOR ONE PAIR OF ASSAULT PANTS AND ONE SUSPENDER TO REPLACE OLD DAMAGED TURNOUT PANTS FOR TOM BENSEN

Motion: Panzarella

Second: D’Amico

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

Panzarella said the last two weeks of fire runs have been posted. Bullard commented that there was a structural fire on Dunham Rd.

Panzarella said the next safety warning meeting is April 7th and a trustee should be assigned to attend. He said he was available. He said the purpose of the meeting was to look over specifications document for the contract in order to place this on the November ballot.

Bullard said he would attend.

Panzarella said the chief put in a leave form for 4/9 and 4/10 and for some time in June.

Panzarella noted that one of the officers will be in charge. Bullard said the fire department has asked for a working session to discuss extending hours. Panzarella questioned if they would be submitting a talking paper. He suggested the board reserve enough time at a regular meeting for discussions. Bullard said he agreed the discussions should take place during a regular scheduled meeting. Panzarella said he too would supply the board with an analysis.

ROAD DEPARTMENT

Requisition 0903003- Mower blades for arm mower from Dexter Company for total cost with 10 percent added is \$616.00.

RESOLUTION

09-03-15

MOVE TO APPROVE REQUISITION 0903003 TO THE DEXTER COMPANY FOR THE PURCHASE OF MOWER BLADES FOR ARM MOWER FOR \$616.00

Motion: Bullard

Second: D’Amico

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

Requisition 0903002- Bullard said there were three price quotes for galvanized sign posts. He said Dexter submitted another quote after they learned of the bid prices. Bullard said he did not agree with that and did not think they should accept the bid. Panzarella questioned if they knew when the bids were due and if they were verbal or written requests. Bullard said Brodi did it verbal. Panzarella said in the future he needs to make it more clear by stating dates and getting prices in writing. D’Amico questioned if we have dealt with Dexter before. Bullard said we have.

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**RESOLUTION
09-03-16**

**MOVE TO APPROVE REQUISITION 0903002 TO THE
FIRELANDS SUPPLY COMPANY FOR 100 3 POUND 8 FOOT
GALVANIZED SIGN POSTS FOR TOTAL COST OF \$2024.00**

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

Requisition 0802002- Bullard said Brodi recommends the Sherwin-Williams model. He said this is a one time purchase price to be able to paint the roads. After this he said we will only have the cost of the paint.

**RESOLUTION
09-03-17**

**MOVE TO APPROVE REQUISITION 0802002 TO THE
SHERWIN-WILLIAMS COMPANY FOR 1 GPX 85 SPAYTEK
PAINT SPRAYER FOR \$2308.90**

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

Mailboxes- Bullard said as far as he knows the mailboxes have not been replaced. Panzarella said 3779 and 3781 Curve Road are standing but need replaced. Trustees questioned if mailboxes were so fragile they couldn't handle the snow wave or were they actually hit. Panzarella noted the costs of different mailboxes and questioned if the zoning could look into that when they do the platting. Bullard said some subdivisions have gone with universal mailboxes throughout. Panzarella said there was an instance of 4 mailboxes taken out in a row. He said we have to maintain them if we damage them. Bullard said the County does not do this. He said if you live on a County Road you would have to replace it yourself. Panzarella said we should try to maintain better than the standard.

Snow Removal- Bullard applauded the road department for getting the main roads done this winter. He said snow waves were created when trying to get major roads done that caused some problems in earlier subdivisions where the cul-de-sacs are smaller and cars park on the streets. Panzarella said a smaller vehicle that does not take a CDL driver could be used on the cul-de-sacs with the articulating blade. Bullard said Brodi is working on a proposal for a smaller utility vehicle. He said it could also be used for removing dead deer from the roads and putting up sign posts. He said they are trying to factor in several things to see what vehicle would work best. Bullard said they discussed angling the blade differently when plowing snow to prevent putting in a wave of snow in the street. Panzarella said we can use the general fund for purchasing the new vehicle. Bullard said he has heard conflicting stories with the use of general fund money. He said he would get a prosecutors opinion.

Salt Status- Bullard said we have plenty left for this year. He said the road crew will put remainder salt in one bin. Bullard said we have not received a price for salt purchased for next year. He said pre-wetting the salt worked well this year. Bullard said we are still working on the speed of the spinner and auger. He said it is either on or off. Bullard commented it will be even more effective once we can come up with a better combination. D'Amico asked how much salt was used this year. Bullard said 280, ballpark. He also said they were a lot more judicious of how and where we were using it. Panzarella said the drivers were also trained in salt saving techniques.

TRUSTEES

Liquor License- Request for a hearing. Bullard said they received notice of a new liquor license request fro Waters Edge Pizza & Café. He said they currently have beer and wine and this would be for liquor by the glass. D'Amico commented that another restaurant has this type of license and he does not have a problem with them having it as well. Panzarella asked if we have had any complaints.

**RESOLUTION
09-03-18**

**MOVE THAT THE BERLIN TOWNSHIP TRUSTEES DO NOT
REQUEST A HEARING FOR THE NEW LIQUOR LICENSE
FOR WATERS EDGE PIZZA & CAFÉ**

Motion: Bullard
Second: D'Amico

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Discussion: Mr. Korleski asked where this was located. D'Amico said it is on Africa Rd. just south of Cheshire. He said they have added outdoor seating.

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

Building Custodian- D'Amico said he and Cannon interviewed for the Building Custodian position and hired Kerry Riemenschneider effective March 11, 2009.

RESOLUTION 09-03-19

MOVE TO HIRE KERRY RIEMENSCHNEIDER AS BUILDING CUSTODIAN EFFECTIVE MARCH 11, 2009 AT 12.18 PER HOUR WITH FLUCTUATING AS NEEDED HOURS

Motion: D'Amico

Second: Bullard

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

John Deere Gator- D'Amico said he put this on the agenda. He said it was discussed a while ago for the cemetery and was not certain about the golf cart issue. Bullard said he does not know if the golf cart has ever been serviced and said the road department will do that. Panzarella said he is certain there are other vehicles that are less expensive. He said requirements for the vehicle need to be defined and put against other vehicles. Panzarella said to define requirements, list specifications of what is needed, compare vehicles and pricing. Bullard said if we can make our current vehicle work that would be better. He said the golf cart has one battery and a gas engine. Panzarella said he has also heard of an instance where the fire department could use an all terrain vehicle on the bike trails.

Board of Health Department presentation- Bullard said Jesse Carter from the Health Department will be giving a presentation on April 13th at 7:30 p.m.

Hollenback Road- Bullard said he received an email from a resident about the speed zone by the school. He said he forwarded it to Eldon Johnson and the County Engineer. Bullard said Johnson stated he thought it was signed properly and that lights were an option not a requirement. Bullard said Johnson will report back to us about the signs. Panzarella said to price the lighted electronic sign because we may need them on 3B's & K Rd. Bullard said Orange spent around \$10,000.00.

Juvenile Road Cleaning- Bullard said we may be taking advantage of some community service sentencing of local juveniles. He said the Township would be a limited partnership. Brodi will provide areas where they can clean.

Recycle Bin- Bullard said a lot of cardboard is being placed outside of the bin. He said we are having more recycling than we can handle for weekly changing. Bullard said Atibi has added another bin for paper. Bullard said the smaller bin that is down there now does not hold as much. Panzarella said when we poured the pad we did it to fit a large bin. He said boxes are not being broken down. He said it may be worthwhile to put something in the newsletter. Panzarella noted this is happening between Sunday and Monday and said we could mount a camera on the fire station. Bullard said this is an area where the Juveniles can help clean. Panzarella said he thought the road department could go there on Monday mornings and if anything was outside of the bin they could put it in there trucks. Bullard said we may want to discuss putting a fence around the area. He thought that would make sense. Panzarella said it would only help with the blowing of trash. He said others may put more trash in that area.

Bullard said Liberty and Orange are having single providers pick up trash from residents. He suggested waiting to see how it works out for them before we would decide on anything. Panzarella said that it does require a vote. Bullard said it is best to wait. Tamasovich noted that there are three different providers running through our neighborhood all at about the same price. Panzarella said they would provide curbside recycling. Bullard said that is an extra. He said they are all competing with each other and thought it best to wait before making a decision.

Ditch Petition- Bullard said a ditch petition has been filed for Peachblow Road and Conner Lane. County Commissioners will view it March 26th at 2:30 near 250 Conner Lane.

Building Repair- D'Amico said three quotes were received for repairing the fascia trim on the west end of the building. He said the quotes range from \$60 to \$295. He suggested

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going with Mid-Ohio Handyman for \$60.00. Panzarella questioned if they were insured and bonded.

**RESOLUTION
09-03-20**

UPON THE CERTIFICATION THAT MID-OHIO HANDYMAN IS INSURED AND BONDED APPROPRIATE \$72 FOR THE LABOR AND INSTALLATION OF WHITE FASCIA TRIM

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

ZONING DEPARTMENT

Don Sutton- D’Amico said at the last meeting we questioned term limits on alternates. Bullard said he thought we should go with one year. He said that way we see if they want to be involved. D’Amico questioned if this should be addressed at the organizational meeting and asked how we should currently handle alternate term limits. He said the dates are mixed and should be cleaned up. Dates will be determined at the next meeting.

Training Pay- A request from the BZC, BZA and Zoning Department regarding pay for the training they attended has been received. Panzarella said this board set a precedent with paying for training a couple of years ago. He said the prosecutor was asked and we have the authority to pay.

**RESOLUTION
09-03-21**

MOVE THAT A NORMAL ESTABLISHED STIPENED FOR MEETING ATTENDANCE WILL BE PAID TO ALL THOSE BZA, BZC AND ZONING PERSONNEL WHO ATTENDED THE RPC TRAINING

Motion: Panzarella
Second: D’Amico
Discussion: Bullard said this is a one time pay.
Vote: Panzarella yes, Bullard yes and D’Amico yes

Allied Reimbursement Request- Bullard said he did not have any new information and this will be discussed at the next meeting.

CLUP Meeting Report- D’Amico said he attended the meeting and there were 10 to 15 residents that attended. He added that several BZC and BZA members have been campaigning door to door to get more people involved. Bullard said he did not want over selling of input. D’Amico said Mike Morrill, BZA Chairman, has told people that we don’t want to rewrite all that was written well in the first CLUP. Korleski said they have gone door to door the last three weeks and no over selling is happening. He said they say the same story line for every resident. Panzarella said we have an opinion that if any trustee goes they are only to be a spectator and that they are clearly there as a township resident not an elected official. Bullard said Trustees do not attend because it eventually comes to us. Panzarella said he has received feedback as to why we are not there.

FUTURE MEETINGS

Annual Township Trustees and Fiscal Officer Meeting with the County Engineer is March 31st.

LATE ITEMS

Bullard said he received information from Jennifer Way-Young for the “Great American Cleanup”. He said he will complete the transfer fee waiver request. He said bags are available for anyone who wants to pick up trash in the township. Bullard said the DKMM and Health Department have some money to help with the costs related to our clean up day. D’Amico said he is working with Jennifer Way-Young and ODNR on some basic clean up in the township.

A RESOLUTION TO ACCEPT THE REPORT OF THE LIBERTY/BERLIN TOWNSHIP COMMUNITY REINVESTMENT AREA (CRA) TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE CRA PROGRAM FOR PROGRAM YEAR 2008 (P&D BUILDERS) AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE CRA:

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

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Berlin Township met in regular session on March 23, 2009 all members present. It was moved by Panzarella , and seconded by D’Amico to adopt the following Resolution:

**RESOLUTION
09-03-22**

WHEREAS, the Delaware County Commissioners, with the consent of Liberty/Berlin Township, have designated areas of Liberty/Berlin Township as a CRA, pursuant to the Ohio Community Reinvestment Area Act, which is contained in the Ohio Revised Code Sections 3735.65 through 3735.70, inclusive; and

WHEREAS, the purpose of the Delaware County CRA’s in Liberty/Berlin Township is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Area; and

WHEREAS, the maintenance of existing and construction of new commercial and industrial structures in these areas would serve to encourage economic stability, maintain real property values, and generate employment opportunities; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) for the CRA met on March 11, 2009 respectively and reviewed the status of each active CRA Project and Agreement and made certain recommendations concerning action to either continue, modify, or terminate said Agreements and the CRA; and

WHEREAS, Liberty/Berlin Township and Delaware County are required under Ohio Revised Code Section 3735.672 to submit an annual report regarding the status of each CRA Agreement, the results of each project during CRA Program Year 2009, and the recommendations of the TIRC, by March 31, 2009 to the Director of the Ohio Department of Development, and said report has been submitted.

NOW THEREFORE BE IT RESOLVED by Berlin Township, County of Delaware, State of Ohio as follows:

- Section 1. That the review and recommendations made by the TIRC on March 11, 2009 respectively to continue all existing agreements for Liberty/Berlin Township - CRA Number 0410113501, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development, and all other appropriate entities, as noted in Ohio Revised Code Section 3735.672.
- Section 2. The Fiscal Officer is directed to submit a certified copy of this Resolution to the Board of County Commissioners of Delaware County for its approval.
- Section 3. That this Resolution shall take effect and be in force immediately after its passage.

PASSED:

ATTEST: _____
Fiscal Officer

Trustee Chairman

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

A RESOLUTION TO ACCEPT THE REPORT OF THE LIBERTY/BERLIN TOWNSHIP COMMUNITY REINVESTMENT AREA (CRA) TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE CRA PROGRAM FOR PROGRAM YEAR 2008 (P&D BUILDERS) AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE CRA:

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WHEREAS, the purpose of the Delaware County CRA’s in Liberty/Berlin Township is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Area; and

WHEREAS, the maintenance of existing and construction of new commercial and industrial structures in these areas would serve to encourage economic stability, maintain real property values, and generate employment opportunities; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) for the CRA met on March 11, 2009 respectively and reviewed the status of each active CRA Project and Agreement and made certain recommendations concerning action to either continue, modify, or terminate said Agreements and the CRA; and

WHEREAS, Liberty/Berlin Township and Delaware County are required under Ohio Revised Code Section 3735.672 to submit an annual report regarding the status of each CRA Agreement, the results of each project during CRA Program Year 2009, and the recommendations of the TIRC, by March 31, 2009 to the Director of the Ohio Department of Development, and said report has been submitted.

NOW THEREFORE BE IT RESOLVED by Berlin Township, County of Delaware, State of Ohio as follows:

- Section 1. That the review and recommendations made by the TIRC on March 11, 2009 respectively, as summarized on the following Program Year 2008 CRA Program Summary report for the Berlin Township - CRA Number 0410578802, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development, and all other appropriate entities, as noted in Ohio Revised Code Section 3735.672.
- Section 2. The Fiscal Officer is directed to submit a certified copy of this Resolution to the Board of County Commissioners of Delaware County for its approval.
- Section 3. That this Resolution shall take effect and be in force immediately after its passage.

PASSED:

ATTEST: _____

Fiscal Officer

Trustee Chairman

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

Ohio’s severe weather awareness week is March 22-28. The statewide tornado drill is Wednesday, March 25th. Panzarella commented that is would be nice if we had a siren.

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Panzarella said there is a possible shortfall in the County budget. Panzarella said in 1998 Delaware County voters approved a ¾% sales tax with ½% dedicated to fund county roads and bridges. In 2007 the previous commissioners voted to make the sales tax permanent with a continued allocation to county road and bridge projects. He said other Township’s have gone on record stating that this money should not be used for the general fund. Panzarella said this board should determine if we want to make a motion. Bullard said he was aware of the motion but was not comfortable with it. D’Amico said he was not 100% clear on what Panzarella was asking. Bullard said he believed the County Commissioners were elected to do the best job of taking care of the tax payers. He said they need to take a look at it. He said he did not know if building roads was more important than the Sheriff and his staff. Bullard said we elected them to run the County. He said they have the information to make the right decision. D’Amico said that made sense to him. Panzarella said he understands the commissioners have a tough job, but they have said there is a shortfall with the budget. Panzarella said he has not seen any actions they have taken to cut the budget. He said they should not cut into the money that was set aside and voted on by the tax payers. Panzarella said if money is used it should be declared as a one time use for a small amount. Panzarella said this township depends on this money for our study projects. He said this money should not become a continued source for the commissioners. Panzarella said he feels we are doing this township wrong. Bullard said the County Commissioners need to understand the best way to finance the County and keep necessary services. Panzarella said one member has been given the task of giving a range of options of where they can get more money. Bullard told Panzarella he could propose a motion for the next meeting. Bullard said he does not like the statement that was used by other townships. He said temporary or emergency use would be more appropriate.

Bullard said he has talked with Rita Au from Preservation Parks regarding the park improvement grant program. He said initially they said they did not like to provide grants to townships that have CRA’s or TIRC’s. Bullard said that neighboring townships have used the grant money and are involved with the CRA’s and TIRC’s so he will have to talk with her again to get a better understanding.

Panzarella said he received a complaint about the speed limit on Piatt Rd. Panzarella said Brodi reported to him that the speed limit is 55 mph with a 45 precautionary sign posted. The last study was done about 10 years ago. He said at that time the County Engineer thought it could be reduced. Panzarella said the township has nearly doubled and suggested another study. Bullard said he would talk with Eldon Johnson. He said he had the necessary paperwork that needs to be completed for ODOT. Bullard said he would report back at the next meeting.

Panzarella said he was elected to the Health District Advisory Counsel.

RESOLUTION

09-03-24

MOTION TO ADJOURN

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

Meeting adjourned by Chairman Bullard at 9:33 p.m.

Phil Panzarella, trustee

ATTEST:

Ron Bullard, Trustee

Theresa Cannon
Fiscal Officer

Tom D’Amico, Trustee