

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

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

CALL TO ORDER: Tom D'Amico, Trustee Vice-Chairman.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Judy Shumway.

ROLL CALL: Tom D'Amico and Phil Panzarella present, Ron Bullard absent; Theresa Cannon, Fiscal Officer

ATTENDANCE: Mary Bechstein; Chief Bill Bechstein; John Leskoske; Judy Shumway; Andy Kerr, Olentangy Schools facility director; Joe Korleski; Toni Korleski; Tiffany Jenkins, Matt Lambert, David Finney and Chad Antle of Delaware County Environmental Services; Craig Hall; Joe Pichert; Richard Taylor; Dan Jacobs; Steve and Mary Haywood; Mildred Della Flora; Steve Ross; Brooke Ann Martin; Doras Ross; Kerri Riemenschneider; Elmer and Barbara Schanck; Dana and Nell Mattison; Ron and Mary Ellen Kinnaman

D'Amico said in Bullard's absence he would be chairing the meeting tonight as vice-chairman. D'Amico reviewed the public comment resolution to those in attendance. First item on the agenda is the approval of minutes for 7/13/09 and an emergency meeting that was on 8/3/09.

**RESOLUTION
09-08-08**

**MOVE TO APPROVE THE MINUTES FROM THE 7/13/09
REGULAR MEETING AND TO DISPENSE WITH THE
READING.**

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

**RESOLUTION
09-08-09**

**MOVE TO APPROVE THE MINUTES FROM THE 8/3/09
EMERGENCY MEETING AND TO DISPENSE WITH THE
READING.**

Motion: Panzarella
Second: D'Amico
Discussion: D'Amico said the emergency meeting was necessary to assign a new asphalt provider for road repairs.
Vote: Panzarella yes and D'Amico yes

Fiscal Officer Items:

Cannon said we have received the invoice from Perry & Associates for \$4250.00 for our 2007-2008 audit.

**RESOLUTION
09-08-10**

**MOVE TO APPROVE \$4250.00 TO PERRY & ASSOCIATES
AUDITORS DESIGNATED BY THE STATE FOR THE
2007/2008 TOWNSHIP AUDIT**

Motion: Panzarella
Second: D'Amico
Discussion: Panzarella asked if a copy of the audit would be provided. Cannon said Perry & Associates had not yet provided a copy of the final audit report but when received it would be made available to the Trustees.
Vote: D'Amico yes and Panzarella yes

Cannon said she received notice that the preventative maintenance and inspection of the generators at both the fire station at 2708 Lackey-Old State Rd. and the administrative building at 3271 Cheshire Rd. was due. The amount is \$522 with the 20% added.

**RESOLUTION
09-08-11**

**MOVE TO APPROVE \$522.00 TO W.W. WILLIAMS FOR
PREVENTATIVE MAINTENANCE AND OPERATIONAL**

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

**INSPECTION OF THE EMERGENCY POWER SYSTEM AT
3271 CHESHIRE RD. AND 2708 LACKEY-OLD STATE RD.**

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

Cannon said she will be collecting vehicle insurance cards from all Township employees. Cannon said she would notify department heads to collect copies of all vehicle insurance cards.

Cemetery

Panzarella said there appears to be a drainage problem north of the intersection of the building parking area and the western access to the cemetery. He said the road department should look to see if there is a blocked tile under the road.

Fire Department

Bechstein reviewed his monthly report which included an H1/N1 Update for the Trustees. He said as of the last meeting, July 22nd no plan has been completed and a vaccine has not been approved. There have been 3 confirmed cases in Delaware County. Initially it was stated that shots would be made available to those most affected by the virus; emergency care workers, people under the age of 20 and women who are pregnant. The health department is recommending everyone get an annual flu and pneumonia vaccination. Panzarella asked where the shots would be administered. Bechstein said it has not been determined. Panzarella questioned if our fire station could be a site. Panzarella asked when a plan would be available. Bechstein said September.

Requisitions:

2009-08-01 to Koorsen Fire & Security for \$798.00 for annual testing of fire alarm system, sprinkler system and fire extinguishers. Panzarella said there is a separate system over the stove that was looked at March 2nd and the Township Halon room was done in January.

RESOLUTION

09-08-12

**MOVE TO APPROVE \$798.00 TO KOORSEN FIRE &
INSPECTION FOR ANNUAL TESTING AND INSPECTION OF
FIRE ALARM SYSTEM, SPRINKLER SYSTEM AND FIRE
EXTINGUISHERS**

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

2009-08-02 to Physio-Control, Inc. for \$2,992.20 for LIFEPAK 1000 AED and accessories. Panzarella said \$1500 of this is coming from a state grant and \$993.50 from the fire fund. Panzarella commented that this purchase was included in the fire fund 5 year plan that was approved.

RESOLUTION

09-08-13

**MOVE TO APPROVE \$2,992.20 TO PHYSIO-CONTROL, INC
FOR LIFEPAK 1000 AED AND ACCESSORIES**

Motion: Panzarella
Second: D'Amico
Discussion: Panzarella asked how this purchase would affect the 5 year plan. Bechstein said they had 1 replacement for the next three years. Panzarella said we may be able to adjust the 5 year plan in 2013/14. Cannon informed Bechstein that they have received notice from the state of the grant but she has not received any money. She asked he hold off on the purchase until she has the funds.
Vote: D'Amico yes and Panzarella yes

Panzarella said the chief may want to talk to the board about his monthly report. Bechstein said he has put a new look to his monthly report. He thought the new report is more simplified and easy to read and understand. This month he concentrated on the budget, H1/N1 and incident responses. Bechstein said if the board wants any additional information included in the report to let him know. D'Amico asked about the 13 responses to fire in Berlin. Bechstein said that includes grass fires and auto accidents. Panzarella said he

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

appreciated the effort of the report. He said there are a couple different definitions for responses that need clarified. He said to make sure definitions have not changed. Panzarella would like to have a more lengthy discussion on the new report when all board members are present.

Panzarella asked about the hiring status. He said the board authorized hiring of three additional firemen. Panzarella said since then one has left leaving four openings. He said the chief wants to know if we will deviate from the past practice of the fire department screening and making recommendations for hiring. D’Amico said he did not think it was necessary to deviate from the past procedures. He said he would accept a recommendation of hiring from the chief. Panzarella agreed. Bechstein said once he has received the applications he will start the process. Cannon commented that none of the applications received were in what the trustees requested as far as living a certain mileage from the township. Panzarella said they would look at all applications.

Panzarella said Chief Farmer asked about storing a Gator at the fire station. He said the County would insure the vehicle. Panzarella said the Gator is used along the bike trail for rescues. He said the EMS would operate it. He said we have been reviewing our agreement with the County and next year will be requesting \$14,700 because of an increase in utilities.

Road Department

Requisition: 09-07-030 for \$40,372.20 to Delaware County Engineer for the purchase of road salt. Panzarella said this is for 600 tons of salt at \$61.17. Cannon said if this purchase order is approved the money would have to be encumbered. She questioned why \$61.17 was being used when in the memo and what commissioners approved was \$58.75. Cannon said there is not a lot of excess money in any of the road accounts and suggested holding off on making the resolution. Panzarella commented he was just filling in for the road liaison. Several calculations were made and the following resolution was made.

**RESOLUTION
09-08-14**

**MOTION TO APPROVE \$25,850 TO DELAWARE COUNTY
ENGINEER FOR THE PURCHASE OF 400 TONS OF ROAD
SALT AT \$58.75 PER TON**

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

**7:30 TIME CERTAIN FOR CHESHIRE ELEMENTARY SCHOOL
SANITARY SEWER IMPROVEMENTS – CHAD ANTLE**

Mr. Antle, Director of Environmental Services for Delaware County introduced Matt Lambert, Tiffany Jenkins and David Finney from his office. He provided the final sewer alignment for the installation of the new public sanitary sewer that will provide service to the new school on Gregory Road just north of Cheshire Road. He said the school will open in the fall of 2010 and Delaware County has committed to provide the sanitary sewer service to the school. Antle said a white paper study was done to look at different alignments. He said an existing sanitary sewer is located at the intersection of Cheshire Road and S. Old State Road. Antle showed on the map where previously presented alignment options were. He said the County is trying to accomplish sanitary services while minimizing overall project costs. Since the last meeting Antle said they have met with property owners, evaluated field surveys, performed preliminary cost estimates and analyzed constructability issues such as wetlands, easements and obstructions. Antle said the final recommendation is different from the previous presented alignments. Antle showed the alignment’s general path on the map. Some upcoming activities include; preparation of the construction plans, subsurface surveys, and wooden stakes will be placed in affected property owner’s yards and appraisals of needed easements and negotiations will begin. Antle said appraisers will contact property owners which should be completed in the next several weeks. Easement negotiations with affected property owners will begin once the appraisals have been completed. He said once prices have been agreed upon the County will purchase easements via a formal contract. Antle asked if there were any questions. A question was asked regarding costs to tap into the sewer. Antle said he did not have an exact cost but it would be around \$7500.00. It was asked if it would be required to tap in. Antle said the Health Department could require you to if your system is failing. He said there is language in the Ohio Revised Code that says the Board of Commissioners can make residents tap in but that has not been the policy. Panzarella confirmed with Antle that if they have a

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

working system they would not be required to tap in. Antle said no one is forced to tie into the County sewer; historically the Commissioners have not required residents to connect. D’Amico asked if everyone in the audience was aware if they were affected. Antle gave the names of all residents whose property would be affected. Antle said decisions have been made based on facts as to where to align the sewer. He said they appreciate all the feedback from property owners. Panzarella asked if the project would help sewer the area. Antle said a sewer master plan was done in 2005. He said Township planning and density could support sanitary sewer. He said US 36/37 is an area that is being looked at. Panzarella asked about operating capacity. Antle said the Walker Woods plant has a 10 million gallon a day capacity. He said it has the capacity to service the area. Jacobs asked if it would be around 20 years before there would be sewer along North Old State between Cheshire and 36/37. Antle said it depended on the economy. He said there is no discreet timeline but thought 20 years was a long time. Antle invited anyone with questions to contact him by email or phone.

D’Amico called for a 5 minute recess. D’Amico called the meeting back to order.

Requisition 090731 for posts and brackets to replace rotten wood sign posts in the Marina.

**RESOLUTION
09-08-15**

MOVE TO APPROVE REQUISITION 090731 TO SAFETY SERVICE PRODUCTS INC., FOR \$493.35 FOR POSTS AND BRACKETS FOR STREET SIGNS IN THE MARINA.

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

Request for Engineering Assistance and Recommendation- D’Amico said the Trustees are requesting inspection of the subsurface tile for structural integrity, road safety, and blockage within the road right-of-way. He said the specific location is 1238 Dale Ford Road to 1271 Dale Ford Road.

OPWC Grant- Panzarella said he thinks Bullard’s intent was to put \$75,000 into the project. He said there are alternate ways to put in money. He said the more money you put into the project the higher your percentage of getting the money. Panzarella noted in the past we have received 0% loans. Panzarella said on the actual application \$50,000 thousand is mentioned however we may want to use \$75,000. D’Amico suggested waiting until Bullard returns to sign the application. Cannon said a 5 year plan is needed to determine how much money is available. Panzarella said it was critical to have the 5-year plan.

TRUSTEE ITEMS

Panzarella said that the Prosecutor’s office has supplied a resolution for adoption regarding “No solicitation” in Berlin Township. He said it defines goods and vendors. D’Amico asked how it was supported and enforced. Panzarella said according to the ORC anyone can be designated. D’Amico asked if they would register with the zoning office. Panzarella said he would suggest the zoning office charge a vendor fee of \$150.00.

**RESOLUTION
09-08-16**

A Resolution adopted pursuant to Ohio Revised Code §505.94 prohibiting the sale of goods, offer for sale of goods and solicitation of orders for future delivery of goods by transient vendors within the unincorporated territory of Berlin Township, Delaware County, Ohio.

PREAMBLE

WHEREAS, the Board of Trustees of Berlin Township, Delaware County, Ohio desires to protect the residents of the unincorporated territory of Berlin Township from uninvited door-to-door solicitors in consumer-related transactions;

WHEREAS, the Board of Trustees of Berlin Township, Delaware County, Ohio believes that it is in the best interest of the citizens of Berlin Township and further believes that it will promote

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

the health, safety and welfare of the residents of Berlin Township to prohibit transient vendors from selling, offering for sale and soliciting orders for future delivery of goods within in the unincorporated territory of Berlin Township; and

WHEREAS, Ohio Revised Code §505.94 authorizes the Board of Trustees of Berlin Township to prohibit transient vendors from selling, offering for sale, and soliciting orders for future delivery of goods within the unincorporated territory of Berlin Township.

NOW BE IT RESOLVED BY THE BERLIN TOWNSHIP BOARD OF TRUSTEES, DELAWARE COUNTY, OHIO:

SECTION 1. DEFINITIONS

A. “Goods” shall be defined as goods, wares, services, merchandise, periodicals, and other articles or publications.

B. “Transient Vendor” shall be defined as any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, sells or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods, or attempts to arrange an appointment for a future estimate or sales call.

C. “Transient Vendor” shall not include:

(1) Any person who represents a tax exempt business or organization, including but not limited to any entity exempt from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Trustees that its representatives are present in the Township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods; and

(2) An auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code; and

(4) Commercial travelers or selling agents calling upon commercial establishments in the usual course of business;

(5) Any person invited by an owner or tenant to visit the owner’s or tenant’s premises to sell, offer for sale, or solicit orders for future delivery of goods; and,

(6) Roadside stands or vendors offering for sale agricultural produce grown on premises.

SECTION 2. PROHIBITIONS

The sale of goods, offer for sale of goods, and solicitation of orders for future delivery of goods by a transient vendor within the unincorporated territory of Berlin Township is hereby prohibited.

SECTION 3. REGULATIONS

A. All organizations as defined by Section 1C(1) (“tax-exempt organization”) shall notify the Berlin Township Zoning Inspector prior to soliciting any home or residence within the unincorporated territory within Berlin Township.

B. The notification under Sections 3A shall be valid for a period of 180 days from the date received by the Berlin Township Zoning Inspector.

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

SECTION 4. PENALTIES

A. Violations of this Resolution shall be punishable as a minor misdemeanor, by virtue of Ohio Revised Code Section 505.99(A). Penalties shall be imposed in accordance with Ohio Revised Code Chapter 2929, and shall include a fine up to one hundred fifty dollars (\$150) for each offense. Each day of violation constitutes a separate offense.

B. In accordance with Ohio Revised Code, Section 505.94, the Berlin Township Zoning Inspector is hereby authorized and directed to notify the Delaware County Prosecutor of the Township’s registration and regulatory requirements by providing a copy of this Resolution.

SECTION 5. ADOPTION

All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. PRIOR RESOLUTIONS

This Resolution supersedes any Transient Vendor Resolution adopted prior to the effective date of this Resolution.

SECTION 7. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

Adopted this 10th day of August 2009.

Ronald W. Bullard, Trustee

Thomas A. D’Amico, Trustee

Philip P. Panzarella, Trustee

Motion: Panzarella

Second: D’Amico

Discussion: Panzarella said as a residual item the board will have to authorize who ever the board wishes to come up with a form and fee and date for this to take effect. He said the resolution is effective tonight however the procedures will take time. He said an implementation plan with forms, fees and signs needs to be taken care of. Panzarella said he feels comfortable with having the zoning office come up with details.

Vote: Panzarella yes and D’Amico yes

Township Air Conditioner: D’Amico said we have received three quotes for repair and replacement work on the township air conditioner. Panzarella asked when this needed to be completed. D’Amico commented that it is summer and the air is not always working. He said he is not familiar with the quotes and suggested that someone who is more familiar with what type of work needs done. D’Amico commented that the quotes vary. Panzarella suggested designating a person to find out what exactly the problem is and then give us an apples to apples

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

comparison. He said the road supervisor may be able to give advice. Cannon said that Ray Armstrong walked around and talked with the three vendors that came out and gave quotes. D'Amico said he will have Ray talk with those that supplied quotes and give a recommendation at the next meeting.

Late Items

Refund of duplicate payment for driveway inspection. Cannon stated Cathy Rippel asked her to bring before the board a situation that occurred in the zoning office. Cannon said a driveway permit was paid for in 2007 but was never done. They paid for the same inspection again in 2009. Rippel said there is no time limit on the inspections and questioned if it should have been paid for a second time. Cannon questioned if it should be refunded.

**RESOLUTION
09-08-17**

**MOTION TO REFUND \$50 TO SILVESTRI CUSTOM HOMES,
LTD FOR DUPLICATE DRIVEWAY INSPECTION PAYMENT**

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

MVR- Cannon asked the board if they wanted to approve requesting MVR checks for employees. She said OTARMA has suggested we do this and would reimburse us \$2.00 of each cost. She said it could have an effect on our insurance payment. If the Trustees chose to do this she said some money would have to be approved.

**RESOLUTION
09-08-18**

**MOVE TO APPROVE \$500 IN ORDER TO HAVE MVR
CHECKS ON TOWNSHIP EMPLOYEES AS SUGGESTED BY
OTARMA**

Motion: Panzarella
Second: D'Amico
Discussion: Cannon said there were a few zoning board members who do not do any driving for the township and did not think it was necessary for them to complete paperwork.
Vote: Panzarella yes and D'Amico yes

Panzarella commented that the fire chief has talked about having background investigations on new firefighter hires. Panzarella said the board will have to decide if they want to restrict it to new hires or have all fire personnel checked. He said new and old firefighters would enter a house during a call. Panzarella said the chief would report to the board regarding what type of investigation and any costs that would arise from this.

Panzarella said the Commissioners will be voting on putting a levy on the ballot for the outdoor warning system.

D'Amico questioned the purchase of a utility vehicle for the cemetery. He asked what would have to be done for a eight to twelve thousand dollar vehicle. It was determined that it would have to go state bid or the township would have to write the bid specifications. Panzarella asked him what he meant by a utility vehicle. D'Amico said a gator type. Cannon said the fiscal office would have some information before the next meeting for the board to review.

Future Meetings

August 11 at 7:00 pm- Alum Creek Master Plan

**RESOLUTION
09-08-19**

**RECESS INTO EXECUTIVE SESSION FOR THE PURPOSE OF
DISCUSSING AN IMMINENT OR PENDING LAWSUIT WITH
LEGAL COUNSEL AND FOR THE CONSIDERATION OF
APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE,
PROMOTION, DEMOTION OR COMPENSATION OF A
PUBLIC EMPLOYEE**

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

August 10, 2009

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

RESOLUTION

09-08-20

MOTION TO RETURN TO REGULAR SESSION

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

D'Amico said in executive session we reviewed a legal issue and employee overtime authorization. No decisions were made.

D'Amico said there are some outstanding issues with overtime that need to be investigated. He said it will be discussed at the next meeting when the whole board is in attendance.

RESOLUTION

09-08-21

MOVE TO APPROVE \$5000 TO RINEHART & RISHEL FOR THE CONTINUED REPRESENTATION OF A LEGAL MATTER FOR THE TOWNSHIP

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

RESOLUTION

09-08-22

MOTION ADJOURN

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

Meeting adjourned by Vice-Chairman D'Amico at 9:15 p.m.

Phil Panzarella, trustee

Absent

Ron Bullard, Trustee

ATTEST:

Theresa Cannon
Fiscal Officer

Tom D'Amico, Trustee