

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

February 8, 2010

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

CALL TO ORDER: Phil Panzarella, Trustee Vice Chairman

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Ron Bullard

ROLL CALL: Phil Panzarella, Ron Bullard, Theresa Cannon, Fiscal Officer. Tom D'Amico was expected to arrive at 7:45.

ATTENDANCE:

PUBLIC COMMENT: Since there was no public attendance Trustees moved on the next agenda item.

Approval of Minutes:

**RESOLUTION
10-02-01**

**APPROVE THE 01/25/2010 REGULAR MEETING MINUTES
AND DISPENSE WITH THE READING**

Motion: Bullard
Second: Panzarella
Vote: Panzarella yes and Bullard yes

FISCAL OFFICE:

Health Insurance: Cannon said everyone that enrolled in the Anthem Health Insurance has been notified what their monthly 10% contribution would be. Cannon said of the three individuals who chose to seek insurance coverage elsewhere and receive reimbursement one has submitted the paperwork and another has decided not to take the reimbursement. Cannon said she is waiting paperwork from one more individual. Bullard said opting out could save the township money. Panzarella said that is a very viable and real observation.

Copier Rental: Cannon said she has received rental agreements for the copy machines located at the township hall and the fire station. Cannon said they are for 36 months and have gone down a little from the last agreement. The township rate is \$210 which includes 4,000 copies a month and the fire department is \$135.87 which includes 2,000 copies.

**RESOLUTION
10-02-02**

**APPROVE A 36 MONTH COPIER RENTAL AGREEMENT
WITH MT BUSINESS TECHNOLOGIES – TOWNSHIP
COPIER \$210 AND FIRE DEPARTMENT \$135.87 MONTHLY**

Motion: Bullard
Second: Panzarella
Vote: Panzarella yes and Bullard yes

Hall Use- Cannon said the zoning office received a call regarding hall use. The Census Bureau would like to hold training classes here 3 or 4 days a month in March, April and May with no charge. Cannon said the times would be approximately 8:00 to 5:00. Cannon questioned possible using the fire station on Wednesdays since the hall was already reserved. Panzarella stated if it was for more than 25 people this would not be a good facility. Cannon said she did not know how many would be attending the training. He suggested they talk with the chief if that was the case and if the chief is unable to accommodate to talk with the county. He questioned if the training was for people in this area. Bullard thought the board did not have sufficient information. Panzarella suggested the Trustees contact the individual and make a proposal at the next meeting. Bullard stated a group meets here on Wednesdays and has for some time so the hall would not be available.

Inventory- Cannon said she is still waiting on a portion of the fire departments inventory. Panzarella said he would talk with the Fire Chief.

CEMETERY

No new information.

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FIRE DEPARTMENT

Requisitions: Panzarella presented the following requisitions.

2010-02-01 to Phoenix Fire Service Systems, Inc. for initial allotment of uniforms for Keith Ernsberger, Tim Carr and Stephen Thompson the newest fire department hires.

RESOLUTION

10-02-03

APPROVE \$2,074.68 TO PHOENIX FIRE SERVICE SYSTEMS, INC. FOR INITIAL ALLOTMENT FIRE DEPARTMENT UNIFORMS

Motion: Panzarella

Second: Bullard

Vote: Bullard yes and Panzarella yes

2010-02-02 to Physio-Control, Inc. for annual maintenance agreement for AED units.

RESOLUTION

10-02-04

APPROVE \$1,579.20 TO PHYSIO-CONTROL, INC. FOR ANNUAL MAINTENANCE AGREEMENT FOR AED UNITS

Motion: Panzarella

Second: Bullard

Vote: Panzarella yes and Bullard yes

2010-02-03 to Jay-Car Construction Company, Inc. For the complete installation of a hallway wall and door at the fire station in the generator room hallway.

RESOLUTION

10-02-05

APPROVE \$3,540.00 TO JAY-CAR CONSTRUCTION COMPANY, INC. FOR THE INSTALLATION OF A HALLWAY WALL AND DOOR AT THE FIRE STATION

Motion: Panzarella

Second: Bullard

Discussion: Panzarella said that Jay-Car was the general contractor when the fire station was built. He said the chief could not obtain three quotes because of it being a small job. Bullard questioned if it had to be prevailing wage rate. Panzarella said the station is 2 ½ years old. Bullard said it makes sense to use Jay-Car since they were the original builder. He said it might be good to list the individuals that we tried to get bids from.

Vote: Bullard yes and Panzarella yes

2010-02-04 to Fire Safety Services, Inc. for a maxi-flow power jet siphon to be used when transferring waster from multiple portable tanks.

RESOLUTION

10-02-06

APPROVE \$270.00 TO FIRE SAFETY SERVICES, INC. FOR A MAXI-FLOW POWER JET SIPHON

Motion: Panzarella

Second: Bullard

Vote: Panzarella yes and Bullard yes

2010-02-05 To Del-Co Water Company, Inc. for the installation of 3 fire hydrants on Dale Ford Road.

RESOLUTION

10-02-07

APPROVE \$8,280.00 TO DEL-CO WATER COMPANY, INC. FOR THE INSTALLATION OF THREE FIRE HYDRANTS

Motion: Panzarella

Second: Bullard

Discussion: Bullard said at the last meeting we stated the chief should be project manager and coordinate with the road department and homeowners. Panzarella said he has talked with the road crew and Del-Co would notify homeowners. Bullard said we should relay the benefits to the homeowners. Panzarella said he would talk with the chief to make sure he is aware that he should be project manager. Panzarella said he would like to see the project schedule. Panzarella said the chief should brief the Trustees once the schedule is set.

Vote: Bullard yes and Panzarella yes

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2010-02-07 To Fire Chief Thomas Keimer for instructor fees for "Rural Water Supply" training class.

RESOLUTION

10-02-08

APPROVE \$840.00 TO FIRE CHIEF THOMAS KEIMER FOR INSTRUCTOR FEES FOR "RURAL WATER SUPPLY" TRAINING CLASS

Motion: Panzarella
Second: Bullard
Vote: Bullard yes and Panzarella yes

Bullard questioned if there was any sensitivity training for fire department personnel regarding people skills. Panzarella said he would suggest that the chief define his training curriculum to the board. Bullard said he knows they are trained for fire situations but wanted to make sure they have interpersonal skills as well.

Haiti Relief Box- Panzarella said an individual stopped by the fire station and asked about putting a donation box for the victims of Haiti. He said if we do this for one we would have to do it for all. Panzarella said it could include cash that needed to be secured and public access. He said it turns out to be more than just helping out. He asked if we wanted to set a precedent. Bullard said we set a precedent with Planet Aid. He said they requested to have a bin and we refused it. Bullard said it was a worthwhile cause but they should find another place. Panzarella agreed that it was a worthwhile cause. He said this was not a precedent the Trustees want to establish. Panzarella said he would relay the information to the chief.

Fire Prevention- Panzarella said we received the monthly report on inspections and citing violations and it appears they are getting along very well. He applauded Steve Arnold for heading the program. Bullard said he was aware they handled businesses, schools and churches and questioned if they would volunteer services to homeowners. Panzarella said homeowners with home businesses have a review done when modifying home. Bullard said what he was thinking about would be on a volunteer basis for instance checking for grandparents and kids safety. Panzarella said he could have the chief come talk to the Trustees.

Fire Levy Resolution- Panzarella said we will defer this until D'Amico arrives.

ROAD DEPARTMENT

Peachblow Road Update- Bullard said he and Armstrong attended a meeting with Bill Ferigno from the City of Delaware. He said Ferigno reported that the City received Federal Stimulus money and some State money and will be moving forward with the project. He said they plan on putting a bid out for construction in the next two months and move dirt by June. Bullard asked if the City could provide a link on our web-site with updates. Bullard suggested having a meeting with residents in the spring.

Buckeye Site Works- Bullard said we have talked about the driveway and ditch work on Clover Plains several times. He said money was approved in 2006 to repair two driveway pipes and grade for two residents on Clover Plains Dr. Bullard said the work had never been completed. Bullard said the work has been completed by Buckeye Site Works and he proposes paying the invoice. Bullard said it is for the same amount that was approved in 2006 for the same reason.

D'Amico arrived at 7:42 and assumed the chairman duties.

RESOLUTION

10-02-09

APPROVE \$990.00 TO BUCKEYE SITE WORKS LLC FOR THE REPLACEMENT OF DRIVEWAY PIPES AND TO RE-ESTABLISH PROPER GRADE AT 3691 AND 3663 CLOVER PLAINS DRIVE

Motion: Bullard
Second: Panzarella
Discussion: Panzarella questioned if this would create a then and now purchase order. Cannon said it would since the work was completed and the invoice had been received.
Vote: Panzarella yes, D'Amico yes and Bullard yes

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**RESOLUTION
10-02-10**

**MOVE TO RESCIND RESOLUTION 10-01-68 REGARDING
RESOLUTION OF NECESSITY FOR A TAX LEVY**

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

Panzarella said at the last meeting a Resolution of Necessity was discussed and approved. A few changes have been made on the advice of Legal Counsel, Delaware County Prosecutors. Panzarella said the proposed remains a replacement levy for five years at 2.98.

**RESOLUTION
10-02-11**

**BOARD OF TRUSTEES
BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO**

RESOLUTION NO. 10-02-11

**RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE
TEN MIL LIMITATION TO PROVIDE FOR FIRE PROTECTION**

(R.C. Sections 5705.03, 5705.19, and 5705.192)

Replacement Levy for Fire Protection

The Board Trustees of Berlin Township, Delaware County, Ohio (the "Board) met in regular open session on February 8, 2010 at 7:00 p.m. at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio 43015, with the following members present:

1. Thomas D'Amico
2. Phil Panzarella
3. Ron Bullard

Mr. Bullard introduced the following resolution and moved its passage:

PREAMBLE

WHEREAS, this Board is the taxing authority for Berlin Township, Delaware County, Ohio; and,

WHEREAS, there is a current four (4) year levy in Berlin Township for fire protection, approved by the electors of Berlin Township at the primary election held on May 2, 2006. The levy is for two and ninety-eight hundredths (2.98) mills and is set to expire in 2010.

WHEREAS, this Board wishes to initiate proceedings for the submission to the electors of Berlin Township, the question of a replacement tax levy for fire protection.

NOW, THEREFORE, BE IT RESOLVED by the Board, two-thirds of all of the members elected thereto concurring, that:

1. The amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of Berlin Township.

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2. Section 5705.03 of the Revised Code, in conjunction with Section 5705.192 of the Ohio Revised Code, authorize the Board to submit the question of a replacement levy outside the ten-mill limitation to the electors of Berlin Township.
3. Pursuant to Section 5705.19(I) of the Ohio Revised Code, it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employers' contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company.
4. Such levy shall replace the current levy and be a replacement levy.
5. Such tax levy shall be at a rate not exceeding two and ninety-eight hundredths (2.98) mills for each one dollar of valuation, which amounts to twenty-nine point eight cents (\$0.298) for each one hundred dollars of valuation for five (5) years.
6. The Delaware County Auditor is hereby requested to certify the current assessed valuation of Berlin Township and the amount to be generated during the first year of collection of a tax for the benefit of Berlin Township at the rate not exceeding two and ninety-eight hundredths (2.98) mills for each one dollar of valuation, which amounts to twenty-nine point eight cents (\$0.298) for each one hundred dollars of valuation, for the above stated purpose of fire protection in Berlin Township, for five (5) years, commencing in 2010, first due in calendar year 2011.
7. The Berlin Township Fiscal Officer is hereby authorized and directed to deliver a certified copy of this resolution to the Delaware County Auditor for such purpose.
8. The question of such tax levy shall be submitted to the electors of Berlin Township at the election to be held therein on May 4, 2010.
9. Such levy shall be placed upon the tax list and duplicate for the current tax year, commencing in 2010, first due in calendar year 2011, if a majority of the electors voting thereon vote in favor thereof.
10. The form of the ballot to be used at said election shall be substantially as follows:

A replacement of a tax for the benefit Berlin Township for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employers' contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company at a rate not exceeding two and ninety-eight hundredths (2.98) mills for each one dollar of valuation, which amounts to twenty-nine point eight cents (\$0.298) for each one hundred dollars in valuation, for five (5) years, commencing in 2010, first due in calendar year 2011.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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- 11. In order to proceed with placing the levy on the ballot, the Berlin Township Fiscal Officer shall and is hereby directed to certify a copy of this Resolution and the certification obtained from the Delaware County Auditor to the Board of Elections of Delaware County, Ohio, not later than February 18, 2010.
- 12. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken 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.

Mr. Panzarella seconded the motion and, after discussion, a roll call vote was taken and the results were:

Ayes: D'Amico, Panzarella and Bullard (3)

Nays: _____

The resolution passed.

Passed: February 8, 2010

BOARD OF BERLIN TOWNSHIP TRUSTEES
DELAWARE COUNTY, OHIO

Ronald W. Bullard
Trustee

Tom D'Amico
Trustee

Philip P. Panzarella
Trustee

Attest: _____
Theresa Cannon
Fiscal Officer of Berlin Township
Delaware County, Ohio

Cannon will obtain a Certificate of Estimated Property Tax Revenue and take it along with the Resolution of Necessity to The Board of Elections.

TRUSTEE ITEMS

Road / Zoning Budget Funding Sources- Panzarella said we have discussed options and said we should try to bring discussions to a close and should not push things past the next meeting. D'Amico said he has talked about the zoning hours and the zoning budget or lack thereof because of income versus salary. He said he still does not have a grasp of the problem and did not know if he could attack it in a logical and financial way. Bullard questioned if he wanted to go into executive session.

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RESOLUTION 10-02-12

MOTION TO GO INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL

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

RESOLUTION 10-02-13

MOTION TO RETURN TO REGULAR SESSION

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

D'Amico said we met in executive session, no decisions or actions were taken.

Elected Officials Quarterly Meetings- Panzarella said Bullard attended the last meeting and said it was open to all Trustees. He said no decisions are made at the meetings. Panzarella suggested rotating Trustees or all attend on their own. He said it was good for all of the board to have general knowledge. Bullard agreed.

Employee Handbook- Panzarella said he reviewed his draft copy with the Fire Chief. He said he had three minor comments, including grammar errors and a definition for flexible hour employees. Bullard had turned in his with a couple comments. D'Amico said he read through it and had no comments. Panzarella said after comments or corrections are made the chairman should arrange to have it sent to the Prosecutor for a legal review.

1099 Misc. – Panzarella said he has had individuals contact him regarding 1099's for purchases, mileage, conference fees meals and other purchases. He said they could be accounted for various ways. Panzarella said the reimbursement in lieu of taking the health insurance could also come in to play. Cannon said up until a couple of weeks ago when Chief Bechstein talked to her no one had ever questioned receiving a 1099. Cannon said she has had two audits and they request W-2 and 1099's and has not had any feedback from the State or any Independent Audit. Cannon said she has sent requests and talked to a CPA, employee at the County Auditor and State Auditor's office and has had different replies. Cannon said she will continue to look into the matter.

Abitibi Bin- Bullard said the paper bins have been very successful and they would like to add a third bin up at the fire station. He said it would alleviate problems with the recycle bin. He suggested putting it in the parking lot. Panzarella said he would rather expand the pad. He did not want them in the parking lot. Bullard asked them not to add another bin until he contacted them after the trustee meeting. Panzarella said for safety reasons he did not want the bins in the parking lot. He suggested using some aggregate stone and putting one there until the pad could be extended. Panzarella said he has had requests for another recycle bin. Bullard commented that we were extremely lucky to have the one we have full-time. Panzarella said the pad was designed to put an empty one on and take the full one out.

ZONING DEPARTMENT

Bullard said Armstrong reminded him of the \$50.00 needed to file the Townships Zoning Resolution with the County Recorder.

FUTURE MEETINGS

February 18-20 OTA

February 23 BIA – Panzarella said he would like to attend

May 4 MORPC – Panzarella said he would like to attend

LATE ITEMS

Bullard said he would be willing to organize the dumpsters and recycle containers for the Clean up Day

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Electric Gas Valve- Bullard said he has asked Armstrong to talk with Steve Arnold regarding taking out the valve. He said this morning Cathy came in and the heater was off and she had to restart the furnace by pushing in the electric valve.

Drinking Fountain Line- Bullard said we may have to call a plumber to look open line feeding the water fountain.

RESOLUTION

10-02-14

MOTION TO ADJOURN

Motion: Bullard

Second: Panzarella

Vote: D'Amico yes Bullard yes and Panzarella yes

Meeting adjourned by Chairman D'Amico at 9:16 p.m.

Thomas A. D'Amico, Trustee

ATTEST:

Philip P. Panzarella, Trustee

Theresa Cannon,
Fiscal Officer

Ronald W. Bullard, Trustee