

**BERLIN TOWNSHIP TRUSTEES**

**7:00 P.M.**

**REGULAR MEETING**

**MARCH 22, 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 Joe Korleski.

**ROLL CALL:** Phillip Panzarella and Ronald Bullard. Thomas D’Amico, absent. In the absence of Fiscal Officer Theresa Cannon, Judy Shumway was named to record the proceedings of the meeting.

**ATTENDANCE:** Eldon Johnston, representing Delaware County Engineer’s office; Joe Korleski; Chris Paykoff; Peter N. Griggs, Esq. and Steven C. Leidinger, Esq. representing Loveland & Brosius, LLC.

**Public Comment:** Panzarella read established rules for public speaking. He asked if anyone wished to speak. Eldon Johnston of the county engineer’s office spoke regarding several items.

Johnston asked if trustees had received a letter of notification from OPWC. Bullard said the letter was received.

Johnston questioned if trustees were attending the county engineer’s luncheon on Friday March 26<sup>th</sup>. Bullard said he was attending and he had asked the road superintendent to also attend. Panzarella said he was also attending. Johnston questioned if trustees had made reservations for the luncheon and the response was that no reservations had been made.

Johnston announced that the engineer’s office was preparing preliminary work to upgrade the intersection at S. 3 B’s & K and Cheshire Roads. Panzarella said he had not heard of it. Bullard said he’d heard something about it. Bullard questioned if it was a traffic study or actually an upgrade. Johnston said, “All of the above.” Panzarella asked, “Do they know there had been a number of accidents there?” Bullard asked if Berkshire Township had been advised. Johnston said he’d told Berkshire at their last meeting. Johnston told trustees if they had any questions they should contact Rob Riley at the engineer’s office.

Bullard said, “Our concern is with S. 3 B’s & K Road at the south end at Plumb Road. There’s no berm.”

Bullard said, “This is out of order but we have a letter form the chief.” Panzarella said, “Gregory Rd., the chief has concerns that there is no turn lane and the road is narrow.” Chris Paykoff said, “You should consider no parking signs.” Johnston asked if trustees had a “no parking” resolution. Panzarella said, “There’s snow emergency no parking and cul-de-sacs.” Panzarella read the chief’s letter verbatim then gave a copy to Johnston. The road is a county road with no township decision authority.

**APPROVE MINUTES**

Panzarella said, “The last meeting had a lot of detailed conversation by all three trustees. I would like to delay this until the next meeting for all trustees to vote.”

Bullard said, “The minutes are laid out and I’ve read them. I think they should be approved.”

**RESOLUTION**

**10-03-11**

**DISPENSE WITH READING AND APPROVE MINUTES OF REGULAR MEETING MARCH 8, 2010**

Motion: Bullard  
Second:

Panzarella said, “I don’t hear a second so the motion dies.”

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**FISCAL OFFICER**

**REQUESTED DOOR ENTRY ELECTRONIC FOB**-Shumway reported two door fobs were programmed for the zoning office exterior door and four fobs had been programmed for elected officials. She said it would be necessary to have additional fobs programmed in order to provide for a submitted new fob request. Shumway said the cost of re-programming was unknown since the number of fobs to be re-program was unknown. Panzarella said, "I was told there was a fob code on the back and I could plug it into the key pad and didn't have to use the fob. I requested to trade for one with a code so I could enter without a key or fob." Panzarella said, "I am withdrawing my request."

**2011 BUDGET**-Shumway said it was time to begin the budget process and trustees should be meeting with department heads to determine budget figures for 2011. Shumway said budget figures and information is due to the fiscal officer no later than May 1<sup>st</sup>.

**CEMETERY**

Panzarella said there were no cemetery items.

**FLAGS**-Shumway said Cemetery Sexton Buell requested flags be replaced on markers at the cemetery entrance driveway because they were in poor condition. Panzarella said, "Tom is the cemetery sexton. He (Buell) should submit a requisition to him." Shumway said, "A requisition should not be necessary as there are flags in the maintenance bay." Bullard said, "The road department can replace the flags."

**FIRE DEPARTMENT**

**RESOLUTION**

**10-03-12**

**APPROVE \$4,950.00 TO WORK HEALTH FOR ANNUAL RESPIRATOR MEDICAL EVALUATION PHYSICAL EXAMINATIONS**

Motion: Panzarella  
Second: Bullard  
Vote: Bullard yea and Panzarella yea.

**RESOLUTION**

**10-03-13**

**APPROVE \$390.00 TO PRECISION ALIGNMENT & TIRE, INC. FOR TIRE ROTATION ENGINE 392**

Motion: Panzarella  
Second: Bullard  
Vote: Bullard yea and Panzarella yea.

**RESOLUTION**

**10-03-14**

**APPROVE \$510.00 TO SHAFFER'S CLEANING FOR SCUBBING FLOORS, CLEAN CARPETS IN OFFICES, DAYROOM AND BUNKROOMS**

Motion: Panzarella  
Second: Bullard  
Vote: Panzarella yea and Bullard yea.

**FIRE HYDRANT UPDATE**-Panzarella reported two (2) hydrants had been installed on Dale Ford Rd. and one was to be installed nearby on Berlin Station Rd.

**LETTER TO TRUSTEES REGARDING FIRE CHIEF'S CONCERNS ON GREGORY ROAD**-Trustees referred to the chief's letter in which the chief requested the trustees to pursue the

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safety issues with the Delaware County Commissioners. Panzarella said he would volunteer to draft a letter to the commissioners by the next meeting.

**ROAD DEPARTMENT**

Bullard said a submitted requisition for tree removal was in the amount of \$753.50 and he noted the shipping and handling was only 10% when the township was using 20%. Bullard said the amount should be changed to \$822.00 to include 20% shipping and handling.

**RESOLUTION**

**10-03-15**

**APPROVE \$822.00 TO ADAMS TREE SERVICE, LLC FOR REMOVAL OF TREE AT DALE FORD AND CURVE ROADS**

Motion: Bullard  
Second: Panzarella

Panzarella questioned, "Why is there any shipping cost at all? Remove the shipping and it brings it below \$750.00 and we don't need three quotes."

Shumway explained the reason for additional 20% added to requisitions and that it wasn't limited to shipping and handling. She questioned what amount the resolution was to be.

Bullard withdrew the motion.

**RESOLUTION**

**10-03-16**

**APPROVE \$750.00 TO ADAMS TREE SERVICE, LLC FOR REMOVAL OF TREE AT CURVE AND DALE FORD ROADS**

Motion: Bullard  
Second: Panzarella  
Vote: Bullard yea and Panzarella yea.

Shumway questioned if there was a signed agreement with the landowner regarding the wood disposal. NOTE: No landowner name or written agreement was provided the fiscal officer.

**GLENN ROAD**-Panzarella said, "There are two (2) issues; (1) a portion of the road is breaking out." Panzarella didn't name the second issue on Glenn Rd. Bullard said, "I've driven it a couple times. The city recognizes it as their road. Presently they're (city) on Toledo Street with a hot box and they'll fix it next. The bulk of the damage is clearly in the city's roadway."

**SNOW PLOW DAMAGE**-Panzarella said, "Subdivisions without berms, it's a 'fight after the season'. We put sod or dirt down. The complaint is we've got to put seed down before July."

**CLEAN UP DAY**-Bullard said, "I contacted the health department and we have a letter to fill out. We fill it out and see where that goes." NOTE: No letter given to fiscal office.

**NO SOLICITATION UPDATE**-Panzarella said, "People have asked how this would be enforced. I have no good answer."

**NEWSLETTER**-Panzarella said, "There is an insert to put in the newsletter after the prosecutor reviews it. It's important for the next newsletter. Bullard said, "I talked to the prosecutor today, late. The prosecutor said if it's providing facts it's OK. The newsletter is done and folded already. We'll have Cathy do that." NOTE: No written legal opinion provided to fiscal officer. It was mentioned that a member from the fire committee was present. The member (Joe Korleski) was given the document. Korleski said, "I think you should stuff it in there. It is very well written." Panzarella said, "We probably will get it out by the end of the month anyway."

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Shumway advised that no funds had been allocated for printing or mailing a newsletter.

Panzarella said, "We normally put aside \$1,000 for mail and preparation. Do you think that's an appropriate amount of money. Bullard recommended \$1,200.00.

**RESOLUTION  
10-03-17**

**APPROVE \$1,200.00 PRINT AND MAIL  
TOWNSHIP NEWSLETTER**

Motion: Bullard  
Second: Panzarella

Panzarella said, "This is time critical in nature I suggest a friendly modification to \$1,500.00." Panzarella questioned Shumway about modifying the resolution. Shumway said the original resolution should be withdrawn and a new resolution proposed.

Bullard withdrew the resolution and agreed to propose one for \$1,500.00

**RESOLUTION  
10-03-18**

**APPROVE \$1,500.00 TO MAIL, PRINT AND  
PRODUCE A SPRING NEWSLETTER**

Motion: Bullard  
Second: Panzarella  
Vote: Panzarella yea and Bullard yea.

**RESOLUTION  
10-03-19**

**RECESS TO EXECUTIVE SESSION TO DISCUSS  
EMPLOYEE PAY, COMPENSATION, BENEFIT  
LEGAL ISSUES WITH OUR TOWNSHIP  
ATTORNEY-7:38 P.M.**

Motion: Panzarella  
Second: Bullard  
Vote: Bullard yea and Panzarella yea.

**RESOLUTION  
10-03-20**

**RECONVENE TO REGULAR SESSION-8:25 P.M.**

Motion: Bullard  
Second: Panzarella  
Vote: Bullard yea and Panzarella yea.

Panzarella reported, "No decisions or conclusions were made in executive session."

**EMPLOYEE HANDBOOK STATUS**

**RESOLUTION  
10-03-21**

**APPROVE INCREASE OF \$7,000.00 FOR REVIEW OF  
EMPLOYEE HANDBOOK TO LOVELAND & BROSIUS**

Motion: Panzarella  
Second: Bullard  
Vote: Panzarella yea and Bullard yea.

**SOLICITATION**-Panzarella said, "No word has come from the prosecutor regarding the Sheriff's enforcement. At the next meeting Mr. D'Amico should give an update." Bullard questioned, "Should we have the sheriff at a meeting?" Panzarella said, "Good idea. I think Mr. D'Amico should request it." Bullard said, "I will ask Tom to ask the sheriff."

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**EMS AGREEMENT**-Panzarella said, "The agreement needs to be submitted to the county prosecutor for conclusion as to extra equipment in the fire station. We have to have a consent waiver agreement." Panzarella said he'd prepared a resolution.

**RESOLUTION  
10-03-22**

**AUTHORIZE TRUSTEE PANZARELLA TO SIGN CLIENT INFORMED CONSENT AND WAIVER OF CONFLICT OF INTEREST FOR DELAWARE COUNTY PROSECUTING ATTORNEY**

Motion: Bullard  
Second: Panzarella  
Vote: Bullard yea and Panzarella yea.

**FLOWERS AT 3271 CHESHIRE RD.**-Bullard questioned Shumway as to cost of flowers. Shumway said she didn't know trustees expected an estimate for this meeting. Shumway asked what trustees had planned, was there to be removal of any shrubbery and were the eaves and downspouts going to be replaced? Shumway said leaking downspouts had caused damage to the flower beds near the building. Panzarella said he wanted ideas regarding flowers. He requested an estimate for the next meeting.

**VACUUM CLEANER**-Panzarella said the housing and handle of the township vacuum cleaner was broken. Panzarella said he contacted Ke-Wa-Pa and received a price of \$286.85 for a commercial Panasonic Ultra Pro vacuum cleaner. Panzarella said he looked for a Royal dealer. Panzarella suggested the purchase of a new vacuum cleaner and keeping the old one, fixing it up for a backup. Shumway told trustees the Royal was purchased in Grandview. Bullard said he would deliver the old one to Grandview to be checked out.

**SCHOOL CROSSING**-Bullard said, "The county engineer checked the area at Arrowhead School and one sign was too far east off school property." Bullard suggested speed limit restricted signs.

**S. 3 B's & K ROAD**-Bullard questioned, "Should we put up a sign on the south side of the road? At the next meeting I will have a cost. The only sign we can do is the approach to the stop sign."

**FUTURE MEETINGS**

**COUNTY TOWNSHIP ASSOCIATION**-later this week

**COUNTY ENGINEER'S LUNCH**-Friday

**COUNCIL FOR OLDER ADULTS**-Bullard said he was participating in the Meals on Wheels delivery. Korleski questioned why Bullard was doing it. Bullard said all elected officials could be involved.

**MORPC**-Panzarella said, "I was initially scheduled to attend a May 4<sup>th</sup> meeting and now won't be able to attend." Panzarella also said, "I won't be here May 1<sup>st</sup>." Bullard said he would be here.

**LATE ITEMS**

**ELECTRICAL ESTIMATE**-Bullard said he asked Andy Anderson for quotes to change the flagpole lighting. NOTE: No information provided to fiscal officer.

**LAND PLANE EQUIPMENT**-Bullard said he left a flier for a land plane on the table in the trustees' office. He said the equipment would be used to fix Big Run Road. He said it would allow the road workers to do repair more times per year. He said it could be purchased on the state bid. Panzarella asked, "Is there a place to store this thing?" Bullard said, "All to be considered." NOTE: No information provided to fiscal officer.

**FIRE DEPARTMENT INVENTORY**-Shumway stated the fire department inventory had not been received in the fiscal office. She said the documents were provided to the departments on January 2<sup>nd</sup> and the report was due the second Monday in January. She

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stated the completed report was required for the insurance carrier. Panzarella said he would ask the chief to brief trustees at the next meeting. Panzarella requested to be notified earlier if the report was received by the fiscal officer.

**RESOLUTION  
10-03-23**

**ADJOURN MEETING**

Motion: Bullard  
Second: Panzarella  
Vote: Panzarella yea and Bullard yea.

Meeting adjourned at 8:55 p.m.

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ABSENT  
Thomas A. D'Amico, Trustee Chairman

ATTEST: \_\_\_\_\_  
Philip P. Panzarella, Trustee Vice Chairman

\_\_\_\_\_  
Judy K. Shumway  
Assistant to Fiscal Officer

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Ronald W. Bullard, Trustee Executive Member