

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

April 12, 2010

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

CALL TO ORDER: Tom D’Amico, Trustee Chairman

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Boy Scout, Brandon Herman.

ROLL CALL: Tom D’Amico, Phil Panzarella, Ron Bullard, Theresa Cannon, Fiscal Officer.

ATTENDANCE: Lee Herman, Gene Waldron, Brandon Herman, Joe Waldron, Carter Rice, Jacob Rice, Chris Rinehart

PUBLIC COMMENT: D’Amico asked if anyone wanted to make public comment. Hearing no request the Trustees moved on to the next agenda item.

Approval of Minutes:

RESOLUTION 10-04-01 APPROVE THE 03/08/2010 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

Motion: Bullard
Second: Panzarella
Discussion: D’Amico questioned how to make a correction to the minutes. He made the following changes. Page 4- Take out “I’m not ready for this” and insert “Well, that’s not what you told me before”. Page 6- 5th paragraph take the word “of” out so the sentence reads: “I thought about funding through levies”.
Vote: D’Amico yes, Panzarella yes and Bullard yes

RESOLUTION 10-04-02 APPROVE THE 02/08/2010 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

Motion: Bullard
Second: Panzarella
Discussion: Panzarella noted the following corrections/changes. Page 1- Phillip should be Philip, 6th paragraph 1st sentence form the chief should be from the chief. Page 2- 1st paragraph re-program should be re-programmed. Page 3 under the Glenn Road discussion Panzarella didn’t name the second issue on Glenn Road should be taken out and “Who is responsible for the road” should be inserted and under snow plow damage it should say seed instead of sod.
Vote: Bullard yes, Panzarella yes and D’Amico abstain

CEMETERY

Pontem Software- Cannon said we have received the invoice for the annual support from Pontem. She said the amount is \$738.00. Panzarella said “Pontem did the township a service a couple of years ago when we did not renew our license. He said they could have charged us the entire amount but did not. He said we are getting a good deal.” Bullard said the software is providing us a system to log all the cemetery plots which will make it quicker and easier to access data to see what is going on. He questioned how we would use it in the future. Bullard said we had talked about accessing it through the internet. Panzarella said the efforts are only to get the records digitized. He questioned where we would have access and who would provide tutorials on how to look up items. He said this is a separate item for a future meeting where the sexton and Judy Shumway are available to discuss these items in a more rigorous manner. Cannon said that Shumway and Buell attended a session offered at the OTA by Pontem. She said that it was very pricey to have it available on-line. Bullard said we should discuss on how to make the data available to the public. Panzarella said we went with the program as a back-up for the records. He said some records had previously been destroyed in a fire. Panzarella said it was a safety precaution. D’Amico said it would be good to contact the sexton.

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10-04-03

APPROVE PAYMENT OF \$738 TO PONTEM SOFTWARE INV. # 36080 FOR ANNUAL SUPPORT FEE

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

FIRE DEPARTMENT

Requisitions:

RESOLUTION

10-04-04

APPROVE REQUISITION 2010-04-01 FOR \$120.00 TO DELAWARE AREA RESPONSE TEAM FOR ANNUAL DUES

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

RESOLUTION

10-04-05

APPROVE REQUISITION 2010-04-02 FOR \$150.24 TO DELAWARE CITY FIREFIGHTERS LOCAL 606 FOR A TRAINING SEMINAR TITLED "FIREGROUND LEADERSHIP AND TRUCK OPERATIONS" FOR ASSISTANT CHIEF CRAIG HALL

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

ROAD DEPARTMENT

Bullard stated that out of the April 10th road meeting with a representative from the County Engineers office with have three Request For Engineering Assistance forms in to turn in. He said he would like to have all three approved at once.

RESOLUTION

10-04-06

SUBMIT THREE (3) REQUEST FOR ENGINEERING ASSISTANCE – S. 3 B'S & K ROAD (.5 MILES NORTH OF DUSTIN ROAD TO STREAMSIDE DRIVE): FULL DEPTH REPAIR, DITCH EXCAVATION AND CHECK FOR AND REPLACE BAD SUBGRADE, SHERMAN ROAD (BETWEEN AFRICA ROAD AND S. 3B'S & K ROAD): POSSIBILITY OF INSTALLING A NEW PIPE TO RELIEVE WATER FROM STROM PIPE OUTLET FROM SHERMAN LAKES SUBDIVISION TO CROSS SHERMAN ROAD FROM NORTH TO SOUTH 150 FEET WEST OF BRIDGE, AND CURVE ROAD (GLENN ROAD AT CURVE): INSIDE OF CURVE HASS FELL APART AND NEEDS REPAIRED

Motion: Bullard
Second: Panzarella
Discussion: Bullard said they would also get quotes from Glen Excavating. Panzarella said since we are getting two quotes, from County Engineer and a private company we should try to get a 3rd quote. Panzarella said he thought on the road meeting we also talked about a drainage issue on Piatt Road. Bullard said that will be coming up later as it will take a little more work. D'Amico said with regards to the work for 3B's & K he did not fully understand the agreement with Berkshire Road and questioned if we were responsible for south of Cheshire Road. Bullard said one recommendation from Eldon Johnston was to have a combined meeting with the two townships and Chris Bauserman to talk about 3B's & K Road. He said they are discussing putting a round-about at the intersection of Cheshire and 3B's & K Roads. He said it makes perfect sense for the County Engineer to host a meeting.
Vote: Panzarella yes, Bullard yes and D'Amico yes

Panzarella said he appreciated the efforts that took place at the road meeting on Saturday. He suggested placing in the minutes a copy of the 32 items that were presented by the Road Superintendent and Trustee liaison that cover their concerns regarding the township roads. Bullard said he would provide a copy to the Fiscal Officer. D'Amico said we neglected to go down Winding Creek Road and was informed by a resident of a drainage

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issue. Bullard said it is not a Township road issue. Bullard said he talked with Soil and Water regarding Summerwood subdivision ditch maintenance agreement and said they review it every couple of years but could not provide any records. Panzarella said it was cosmetic with some blockage items. He said there are areas that have blocked water and some areas have started to erode. Bullard said it would be helpful to have a report. Panzarella commented, and a schedule of future inspections. Panzarella referred to Dale Ford Road where residents went to the County with a ditch petition and found out it was so much money they hired an independent contractor and had it done for significantly less. Panzarella said there is an erosion / ditch issue at 2708 Lackey Old State where you turn in on Cheshire by the recycle bins. He said the ditch needs stabilization as there is silt in the proper and cat tails are growing. He suggested getting an estimate for having it cleaned out and stabilized. He was uncertain who should pay the fire or general fund. Bullard said we can plant grass or sod to stabilize the ditch and questioned if it needed anymore. Panzarella said you might want to have Milt Link or a private contractor look at it. Bullard said he would look at it with Brodi and said the sloped bank may not have to be so steep. He said they also wanted to put driveway bumpers.

TRUSTEE ITEMS

Recycle pad modification- Panzarella said the drivers have a hard time placing the recycle bin on the paved area and are gauging out pieces of the pad. He questioned changing the dimension of the pad. He said with the Abitibi bins we should look at the whole area. Bullard questioned if we wanted to make the area more useable. He said making a circle around what we have would make it better. D’Amico questioned the expense behind doing a half circle and said there is a large hill to the north of the pad. Bullard said he would take a look at the area. D’Amico questioned if there was anywhere else the bins could be. Panzarella said we are looking at two things; accessibility and placement of the bins and pad area. He said to get a cost estimate. D’Amico asked Bullard to continue working on the recycle pad. He said he may want to check with another community. Bullard said our area is much better than most; not that we can’t make it better. Bullard said another issue to consider is that we will soon have third Abitibi bin and we should decide what to do with the money they generate. Bullard said initially we designated the money to go to Arrowhead Elementary since it was the only school in the Township. He questioned if we wanted to divide the money with the new Cheshire Elementary or find another place for the money.

EMS/EMA Lease- Panzarella said the present lease allows for adjustments to fee based on utility increase/usage. He said rates have gone up some. Panzarella said he has three years of data for gas, electric, water and refuse removal and there has been an increase in costs. He said he will pursue getting more money. Panzarella said it is still a heck of a deal for them and a good use of the facility. He will address costs at a future meeting.

Electrical Work- Bullard said Andy Anderson has completed work on the outside lighting by the flag pole and township sign. He said the bulbs used are more reliable and will do a better job. Bullard said the road crew will be attaching a board to the open area of the sign to prevent light from coming through.

RESOLUTION

10-04-07

APPROVE \$700 TO ANDY ANDERSON FOR ELECTRICAL LIGHTING WORK AT THE TOWNSHIP HALL FLAG POLE AND SIGN

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

ZONING DEPARTMENT

Two resolutions were presented from The Delaware County Economic Development regarding CRA’s the Township is involved with.

RESOLUTION

10-04-08

A RESOLUTION TO ACCEPT THE REPORT OF THE BERLIN/LIBERTY TOWNSHIP COMMUNITY REINVESTMENT AREA (CRA) TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE CRA PROGRAM FOR PROGRAM YEAR 2009 (P&D BUILDERS) AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE CRA:

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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 16,, 2010 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, 2010 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, and State of Ohio as follows:

Section 1. That the review and recommendations made by the TIRC on March 16, 2010 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: Bullard
Vote: Bullard yes, D'Amico yes and Panzarella yes

**RESOLUTION
10-04-09**

**IN THE MATTER OF ACCEPTING THE REPORT OF
THE BERLIN TOWNSHIP COMMUNITY
REINVESTMENT AREA (CRA) TAX INCENTIVE
REVIEW COUNCIL (TIRC) ON THE STATUS OF THE**

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**CRA PROGRAM FOR PROGRAM YEAR 2009 AND TO
ACCEPT THE RECOMMENDATIONS OF THE TIRC
CONCERNING AGREEMENTS WITHIN THE CRA:**

WHEREAS, the Delaware County Commissioners, with the consent of the Berlin Township Council, have designated areas of the 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 Berlin Township CRA is to provide the community with an effective tool for revitalizing and encouraging investment in residential development and 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 CRA; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC), for the CRA met on March 16, 2010 respectively, and reviewed the status of each active CRA Projects and Agreements and made certain recommendations concerning action to either continue, modify, or terminate said Agreements and the CRA; and

WHEREAS, the 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 and Housing Council, by March 31, 2010, to the Director of the Ohio Department of Development.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

- Section 1. That the review and recommendations made by the TIRC on March 16, 2010 to continue Piranhas Grill agreement subject to their taxes being paid or payment arrangements made with Delaware Auditor Office by June 1, 2010 in the amount of \$1,088.57.**
- Section 2. That this Resolution shall take effect and be in force immediately after its passage.**
- Section 3. 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.**

PASSED:

**ATTEST: _____
Fiscal Officer**

**_____
Trustee Chairman**

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

FUTURE MEETINGS

May 1st- Township clean up day. Bullard invited the boy scouts in attendance to collect trash throughout the township and bring it in that morning. He said Jennifer Way-Young would be able to assist them with bags and gloves.
April 14th- 911 Meeting – Panzarella to attend
April 27th- BKMM- Bullard to attend

RESOLUTION

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10-04-10 RECESS INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE – THREE TRUSTEES AND FISCAL OFFICER

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

RESOLUTION

10-04-11 MOTION TO RETURN TO REGULAR SESSION

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

D'Amico said we met in executive session and no action or decisions were made.

RESOLUTION

10-04-12 RECESS INTO EXECUTIVE SESSION TO DISCUSS POTENTIAL OR PENDING LITIGATION WITH TOWNSHIP COUNSEL- TRUSTEES, FISCAL OFFICER AND COUNSEL

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

RESOLUTION

10-04-13 MOTION TO RETURN TO REGULAR SESSION

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

D'Amico said no action was taken or decisions made in executive session.

RESOLUTION

10-04-14 APPROVE \$10,000 TO RINEHART AND RISCHALL FOR CONTINUED LEGAL REPRESENTATION TO THE TOWNSHIP WITH REGARDS TO ANNEXATION

Motion: Bullard
Second: Panzarella
Discussion: Panzarella said this will give us some wiggle room. He said if they don't bill it we won't have to pay it. He said he thinks the amount should be \$15,000. Bullard said there is currently money available in their account.
Vote: D'Amico yes, Bullard yes and Panzarella no

Chris Rinehart said he would keep all Trustees and Fiscal Officer informed.

LATE ITEMS

Bullard said we need to order more business cards. Panzarella suggested each Trustee sign off on the card.

Bullard said the County Engineer road improvement for Shanahan Road is split between Orange and Berlin Townships. D'Amico asked if the monetary amount was correct. Bullard said he was satisfied with this.

RESOLUTION

10-04-15 MOTION TO ADJOURN

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

Meeting adjourned by Chairman D'Amico at 8:46 p.m.

Thomas A. D'Amico, Trustee

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ATTEST:

Philip P. Panzarella, Trustee

Theresa Cannon,
Fiscal Officer

Ronald W. Bullard, Trustee