

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

June 13, 2011

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

CALL TO ORDER: Phil Panzarella, Trustee Chairman

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

ROLL CALL: Phil Panzarella, Tom D’Amico, Ron Bullard, Claudia Smith, Fiscal Officer.

ATTENDANCE: Larry Buell, Judy Shumway

PUBLIC COMMENT: Panzarella stated that the meeting was being recorded for transcription purposes only. He also said the Trustees were still adhering to Resolution 05-07-44 regarding public comment at the meetings. He asked if anyone wished to make Public comment. Hearing none the Trustees moved on the next agenda item.

Approval of Minutes:

**RESOLUTION
11-06-05**

**APPROVE THE 05/23/2011 MEETING MINUTES AND
DISPENSE WITH THE READING**

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

Panzarella suggested that Old Business be added to the agenda for future meetings.

FISCAL OFFICE:

Bank Statement - Trustees signed the balanced May bank statement.

Jumped to Cemetery issues

CEMETERY:

Crypts –

Right of Re-Entry - Judy Shumway stated that on September 22, 1993 she was the clerk for Berlin Township and she registered the Berlin Cemetery with the Ohio Department of Commerce Real Estate Division. Larry Buell was named as the person in charge of the sale of cemetery lots. She contacted Ted Horniack Real Estate Division of the Ohio Department of Commerce and verified that the registration of the cemetery was up-to-date at 3271 Cheshire Rd only. Mr. Horniack referred Shumway to Tom Kayati who was appointed to the Cemetery Dispute Resolution Commission of Ohio for her questions. Shumway stated that the Right of Re-Entry Law was effective July 24, 1986. Berlin Township has never adopted a resolution regarding right of re-entry. Therefore the township has no re-entry rights in any part of any cemetery until resolution is adopted. If resolution is adopted, effective date is date of passage with no retro-active status. If resolution is adopted the statement needs to be present on all deeds. Use of Blockhouse, Townhouse or Cheshire Cemetery lots are prohibited as there is no right of re-entry. If a resolution were passed today the right of re-entry would not be until 2061 for any lots that are sold after the passage of the resolution.

Rules & Regulations – Shumway stated that the current cemetery rules may not be definitive as to present times. Definitive rules need to be established and written for the public. Shumway suggested that there need to be rules and regulations for lot sales, scheduling of funerals and plantings, maintenance and care of cemetery lots. The township owns the cemetery land and has the right to make rules and regulations relevant to the operation of the cemetery on township owned land. The township can have requirements regarding burial containers, i.e. psi (requirement that it last for 50 years), decomposition limit, etc. We can require that they have a container but we cannot require that it be made of a specific material such as metal or concrete, but it does have to match our psi. The sale of a grave space is for the right of interment only, not land ownership thus township rules and regulations govern the lot. Right of interment statement should appear on each deed-revised rules could incorporate this statement. Shumway had copies of other cemeteries rules and regulations that she gave to the trustees.

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Discussion-Above Ground Burials – Shumway stated that the township does not have to allow private estates to be erected in the cemetery if grave spaces are laid out for in-ground burials. This means that the township cannot use township money to take care of them. The cemetery has laid out 100% for in-ground burial spaces 4 ft x 10 ft and there is no layout or allowance for anything other than in-ground burial spaces. The question posed to the prosecutor requested information regarding in-ground burials not above ground burials. A mausoleum is an above ground burial facility, chamber, structure or building used for entombment of human remains that is considered a private estate if individually owned. A crypt is space in the mausoleum of sufficient size to entomb human remains. Questions that need to be answered are:

- 1.) Are there plans for what type of foundation is needed?
- 2.) Were the plans prepared by a certified engineer?
- 3.) Who will be responsible for preparing the foundation for the private estate?
- 4.) If private estate is not purchased and sold by the cemetery or township then public funds cannot be used to maintain it in the future.
- 5.) If an outside contractor is used to prepare and set the private estate they must be licensed and bonded, have liability insurance that will cover the cemetery or township in case of any damage to property or surrounding monuments and have paid up worker's compensation insurance. If you use an outside contractor you need to check with the state to see if he owes any taxes before you can allow them to do work for you.
- 6.) Will there be any guarantee from the contractor for work performed? If so, for how long as cemeteries are here forever?
- 7.) Township can charge for laying out the site for the contractor and for inspections on foundations and setting of private estate on foundation.
- 8.) How is private estate insured against natural disaster, vandalism, damage from debris? The cemetery does not have to permit a private estate mausoleum in the cemetery.

Bullard asked Shumway if the person she talked to was able to provide her with townships that have allowed above ground crypts or if he had any recommendations. Shumway said he did not know of any townships that allowed them and he does not recommend them because of the expense now and in the future and the liability.

Entombment Considerations – Shumway continued on these questions:

- 1.) How is the private estate opened for entombment?
- 2.) Can township open private estate using township public fund?
- 3.) Does the cemetery have the proper tools to do this?
- 4.) Do personnel need training to provide this service?
- 5.) Does the cemetery have pricing for this service?
- 6.) Does the cemetery require outer casket container to contain leakage? There will be leakage as on the rear there are two holes for leakage from decomposition. There can be odor also.
- 7.) If private estate is not purchase and sold by the cemetery or township then public funds cannot be used to maintain it in the future.

Considerations – Shumway stated that these are questions and comments to make you think about what this is all about that it is not as easy as just passing a resolution to allow crypts.

- 1.) Mausoleum size i.e. crypt for individual, double, triple, stack, and height, side by side.
- 2.) Who will be allowed to use-owner or other people? Assignment and transfer of entombment rights, remember this is a private estate, will we have any say in it?
- 3.) Size and location of lot required for setting crypt or mausoleum.
- 4.) Foundation requirements, drainage, walkways or roadways.
- 5.) What will foundation costs be?
- 6.) When will foundations be set? Still twice a year as they are now.
- 7.) Who sets foundation, us or private company?
- 8.) No access road to service area for above ground mausoleum. Are roads are not able to handle large equipment.
- 9.) Ability of current cemetery road system to handle various trucks, weights, etc.
- 10.) Construction of new road as well as required walkways.
- 11.) Who pays for cost of constructing new road, walkways, etc?
- 12.) Consideration of cemetery drainage disruption if a road is constructed.
- 13.) Impact of lost revenue in future lot sales.
- 14.) Cemeteries are forever, future costs associated with maintenance.

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- 15.) Funding for future maintenance-forever. Who and how will cost estimate be determined?
- 16.) Who is responsible for maintenance i.e. cleaning, refinishing, resetting, straightening, and replacing damaged area or entire memorial?
- 17.) Who is responsible for damage to personal property owned by others?
- 18.) Can personal property owned by others be covered by township insurance? More than likely not.
- 18.) Will outer interment or entombment container be required?
- 20.) Will proximity area be limited regarding enhancements and/or decorations? i.e. pavers, trees, shrubs, etc. Will items be prohibited?
- 21.) Requirements for identification of facility & those entombed within.
- 22.) Cemetery is not suited for above ground burials because it has already been platted for in-ground burials.
- 23.) How will the decision affect the township future 50, 100, 200, 500 years down the road?

Cemetery Records – Shumway stated that cemetery records are forever.

D’Amico asked if once a deed is granted, can it be transferred to someone else? Shumway stated that as the rules are today it can be transferred with a notarized statement from the owner relinquishing all the rights.

Bullard wanted to make sure that he understood correctly that the Blockhouse, Townhouse and Cheshire cemeteries are inactive and can never be activated. Shumway said we do not know what lots are available therefore they will remain inactive and we do not or ever will have the right of re-entry. Bullard also asked if we needed to have a resolution to allow above ground burials. Shumway said we would have to have an amendment to our platted cemetery and we do not have any section that could be re-platted as there is something in every section. She also suggested that we need a resolution that states that we only allow in-ground due to the plat layout we have now. Panzarella suggested that we ask legal counsel if there is a legal way to replat first. Shumway suggested that if we have someone asking about above ground crypts that we tell that that there are no rules at this time and until there is a resolution made by this board or any other board. That at this time we only allow in-ground burials due to our platting.

D’Amico “I am not in favor of asking legal counsel how to re-plat our cemetery due to the fact that we have all this information in front of us. I would rather us regulate our cemetery the way it is platted now.”

Panzarella “Then the question for legal counsel is “Does that present any exposure to the township, since we are only platted for in-ground burials?” This information was not given to the attorneys previously. We can advise that there are no rules or regulations in place at this time for mausoleums as we are only platted for in-ground burials. But does that present any legal exposure to the township. I think this question has to be answered.”

Smith “On the first page under Rules & Regulations is states that the township owns cemetery land and has right to make rules and regulations relevant to the operation of the cemetery on township owned land.”

Panzarella “That does not say Ohio Revised Code and we are just taking that as a part of this presentation so we need to prove it. We have to share all this information with the county prosecutor and ask the specific question, since we are only platted for in-ground burials, does that give us automatic right to not allow anything else. I will ask the prosecutor if they can get back to me by the next meeting but I don’t know what their work load is so it may not be possible.”

D’Amico “Right now we have Larry in communication with someone that wants to purchase a crypt and I think we can allow Larry to tell them that it appears that Berlin Township does not have to allow above ground burials because of the way it is platted but we are still checking.”

Shumway “It would be better to advise them that at this time there are no rules or regulations in the township cemetery regarding the placement of mausoleums.”

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**RESOLUTION
11-06-06**

**CONFIRM THAT BERLIN TOWNSHIP CEMETERIES ONLY
ALLOW INTERMENT GRAVES AND ALLOWS NO ABOVE
GROUND BURIALS**

Motion: Bullard

Second: D’Amico

Discussion: D’Amico “I think this is the beginning of a good motion but I think it needs to say something about modifying the rules.” Panzarella “Before we can do the motion I think we need it checked out by the county prosecutor.” Buell “Is this added to the rules that I give to people when I sell grave spaces?” Panzarella “If it passes they would like to have it added to the rules.”

Vote: Bullard yes, D’Amico yes and Panzarella no

Recommendations – Shumway stated her recommendations that applicants be advised that there are no rules and regulations in place at the present time regarding mausoleums. Remember the township does not have to allow private estates in the cemetery. We need to consider adoption of amended cemetery rules and regulations based on dividing rules into three separate areas; lot sales, funeral scheduling and monuments and plantings. We also need to consider adoption of a resolution stating restrictions of lot sales are for interment rights only in-ground as per cemetery layout. This is not stated on the deed at this time. And consider adoption of a resolution regarding the right of re-entry, suggesting a 50 year activity – base on law of July 24, 1986. We also need to consider adopting a resolution regarding burial container specifications such as psi, decomposition and limits for burial of remains i.e. two cremations per grave space, where cremations are to be buried on a lot, one infant burial per lot, etc. The final recommendation is to consider adoption of a resolution regarding disinterment’s (to follow law and health department rules).

Panzarella “I suggest that all these recommendations should result in a redrafting of our rules and be presented to the board. We should designate someone to do that and I would ask the board who should do it.”

Panzarella, D’Amico and Bullard stated that they did not have the expertise and asked if Buell could get it done and have it reviewed by the board. Buell said he would check with other cemeteries to see what their rules are and he would work with Shumway to put rules together.

Panzarella “Thank you for stepping up and trying to get us modifications to our rules. I would like to thank Larry and Judy for getting additional background information that we didn’t have and is much more in debt from a phone call. I would like to be clear on whether or not having passed a resolution, we are going to seek a legal opinion or not?”

Bullard “I believe you said we should pass all this information on to legal to get an opinion and he can comment on the resolution we passed.” D’Amico agreed. Panzarella will check with the county prosecutor.

Shumway stated that Tom Kayati is an excellent resource and he has agreed to come to a board meeting if we would like him to and he was a presenter at the OTA Conference. Bullard stated he did listen to his presentation but did not understand the part about the Townhouse and Blockhouse Cemeteries and the fact that we could never use those.

Returned to Fiscal Office

Smith stated that Shumway planted flowers and that we need to keep them looking good so someone needed to water the plants or a hose needed to be put out so someone could water them. She would watch the weeds and see how bad it gets and we could add mulch as Shumway did not use all the money that was allocated for flowers. D’Amico would check with the maintenance department to see if they could attach a hose and water flowers as needed.

3 Minute Recess 8:45

2012 Budget – Smith advised the board that she gave them a breakdown of the estimated income for 2012 and their wish list for the budget. She indicated that she was advised to

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add a capital fund for perpetual care to the cemetery as cemetery and roads is something that the township has to take care of and we should do it before funds run low. The starting balance as of 2011 was \$3,000,000 and the balance at the end of 2012 will be less than \$2,000,000. She gave them a worksheet that showed the funds and what money there is and then took out the money that they wanted to spend money.

Panzarella said that Smith has provided a first draft of the worksheet and that she wants them to review it and recommend any alterations it feels are necessary for a second draft.

Smith said she inserted the figures provided to her by the trustees for the roads, zoning and fire departments. She didn't receive any changes for the General Fund and this is the worksheet she and Shumway have come up with.

Panzarella asked for questions or comments. Smith said that she wanted the trustees to review the document to see whether they wanted to make any changes. She noted that some changes were made per trustee input.

Panzarella noted that Smith carefully used the formula and has provided the reasons for any differences. He had no questions regarding that, only some general questions for the Board. There are some significant reductions in the 1000 Fund.

Smith noted that this included everything, including the roads. She does have a separate worksheet for the roads, but the subject worksheet shows the expenses for 2011 and estimated expenses for 2012. She referred to the 1,330 and said that the projected expenses for 2011 are nearly \$500,000.00. For 2012 that figure will be \$748,000.00.

Bullard said that one question he has regarding the 1,330 is the amount for road surfacing because that is what is being spent this year. The \$455,000.00 that is being spent this year is an inordinate amount for road expenditures and he doesn't expect that amount of money to be spent next year from township funds alone. The township has applied for an OPWC grant that should help with the road repairs that need to be done next year, and he didn't expect that the amount of money that comes from the township budget next year would be that high. It has to be shown in the budget as an expenditure in order to be eligible for the OPWC (Ohio Public Works Commission) grant.

D'Amico said that regarding the \$455,000.00, he understands Bullard's point, but doesn't think that it is a surprise that he needs to learn more about that, but has not made himself available to learn more. It is nearly impossible to set up a budget that has funding unless it goes towards the General Fund.

Panzarella said that 1/7 of the roads may be done next year, and it has been discussed that in order to sustain a roads program, about \$300,000.00 per year is necessary. He asked the others to consider the amount of money the township takes in and noted that next year it will be a \$755,000.00 program. The township is projected to take in \$157,000.00, which would result in a \$598,000.00 deficit and he asked where that money would come from.

Panzarella suggested that each account be reviewed in detail by the Board. He is aware that due to the township potentially receiving OPWC funds, the township may only need to pay a portion of those costs. However, a plan needs to be put into place in case the township doesn't receive the funding, and he would like a very specific contingency recommendation for the shortage.

Bullard said that the situation could be approached by stating that \$455,000.00 of work needs to be done. The work includes blacktopping roads and in-depth repairs of 3 Bs & K Road, Hollenback Road, and blacktopping Summerwood Road. Those three roads can be handled in less-costly ways.

Panzarella said that such a backup plan needs to be put into place. He asked whether D'Amico agreed with that, and said that Bullard had come up with an estimate of \$320,000.00. Panzarella had estimated about \$290,000.00, which is not a significant difference, and he suggested an amount in-between those two amounts of \$300,000.00.

Bullard agreed, but suggested that a definition be created for the standards the township is using to maintain its roads. The roads are maintained to a very high standard.

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Panzarella suggested some methods to estimating costs in order to decrease the \$598,000.00 shortfall. He has run the numbers on zoning, fire, cemetery, and roads and it is possible to find some savings in all of those areas, although the most could be saved in roads. Also, fire department expenses consist of about 60% of the township budget and there needs to be a clear understanding of what is going on.

D'Amico said that regarding the township's backup plan, it is a combination of one of four things. 1) township roads are maintained in a less-expensive way, 2) ways are found to trim the costs, 3) a levy for roads would need to be passed, or 4) taxes are gained in the future from potential ventures. The Board needs to make some choices if there is not enough money coming in to cover potential expenditures.

Panzarella asked where the Maintenance Labor 2 amount of \$40,000.00 came from, and the Truck Casual Labor amount \$5,000.00, cleaning ditches, etc.; he wasn't sure what those figures meant. He cannot make a decision unless he is aware of where and why the money is being spent. He noted that \$27,000.00 can be trimmed off of Cemetery.

Bullard said that regarding Smith's proposal to set up a capital cemetery fund to be maintained separately, the Board needs to learn what those capital expenditures would be for and ensure that they are compatible with what needs to be done.

Panzarella asked that the maintenance costs for the cemetery in the future to be determined, how much would the fund have to be built to, what would it be invested at, and what the shortfall is, and that would define how that would need to be funded.

Bullard said that he didn't think that the capital fund for the cemetery would handle the large expenditures that are spent such as for mowing, fertilizing, etc. Smith noted that was about \$15,000.00/year. Bullard said it was budgeted at over \$40,000.00 and he reviewed it.

Smith said that the capital fund is used to take care of the cemetery in perpetuity.

Panzarella asked that all of these areas be reviewed and he asked when the information needed to be provided to the county auditor by? He asked what Smith wanted from the trustees between now and the budget meeting.

Smith said that the Board will have to approve the budget at its 7/11/11 meeting and the legal notice would need to be requested by 6/20/11. The final budget will go to the auditor's office at the end of July 2011 and she asked for all changes by this Friday so that the budget can be approved at the 7/11/11 meeting.

Smith noted that the estimated expenses for Fund 2012 were \$15,535.00 but there was only \$13,135.00 in the account so she adjusted Cleaning Ditches and Diesel Fuel. Fund 2021 is in the red by \$29,000.00 so that fund needs to be reviewed to get it out of the red. Fund 2041 has a \$15,000.00 surplus and Fund 2231 has a \$3,100.00 surplus.

D'Amico asked how that correlated with the appropriation status and Smith explained it. There was additional discussion regarding the funds.

Bullard said that the Board needs to determine what it can do to maintain township roads in the long-term, as the township is currently spending a lot more than it is taking in. There was a discussion about how that would be done, and how cuts could be made. Bullard said that the question that the Board needs to decide is, what will the township's roads look like? The township has been living on a beer budget with champagne tastes, and blacktopped roads do look nice.

There was an additional discussion about roads. Panzarella said that in order to solve these problems, there are things that can be done. Open ditch roads have a life span of about 8-10 years, curb and gutter is 15-18 years. The Board needs to ensure that the zoning process is in place so that the township will get curb and gutter streets. One can get 40% more life from that type of street because it is laterally constrained, it has better drainage, etc.

Panzarella said that he has asked the following question many times and has never received an answer: "What does it take to get the township roads 5-8 years down the road?" If that

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question is answered, then the next question is, "How much of that program will \$300,000.00 take care of?"

Bullard said that the definition has to be in place for the condition that the trustees want the roads to be 5-8 years down the road. Do they want blacktopped roads? To be similar in surface to what currently exists in the township? Without spending any money, the roads will still be there in 5-8 years.

Panzarella said that a logical plan is now being built, and now the question is, how can the life of the roads be determined? It can be either 1) pretty, 2) medium surface, or 3) destroyed roads. So a matrix can now be built to build a budget, but where has that been done? It needs to be done but the trustees desperately need input from the roads department. The trustees just need to tell them what they want, and the roads department can provide an estimate for that. Last year's figures are not the same as this year's figures.

Bullard agreed, but said the budget needs to be put together within just a week. There was a discussion about the amounts in each fund. He proposed to move \$40,000.00 from fund 2021-330-360-0041, which would leave a balance of \$36,265.00. The \$40,000.00 would be moved to fund 1000-330-360-0041 for a balance of \$495,000.00 and he asked for D'Amico's input

D'Amico said that if that works, the trustees should do it. Bullard said that he isn't saying that the \$495,000.00 is where things need to be, but that solves the immediate problem.

Panzarella said that the \$495,000.00 comes with a hook. That amount includes an assumption that the trustees will execute a plan that relies on grant money. Bullard agreed. Panzarella said that the Board needs to determine, if the township doesn't receive the grant money, what is the minimum structural repair for whatever roads were included in that?

Bullard said that the number would remain the same, but the income would come up to offset that. Panzarella said that if the income doesn't come up to offset that, there will be a problem, so the Board needs to determine what it will do if that happens. Now is the best time to do that.

Bullard said that it is his understanding that for the budgeting process, all the costs that will be incurred must be shown, and income cannot be counted until the township actually has it. Thus, if the township applies for an OPWC grant, or any other grant, the costs of the work to be done must be shown.

Panzarella said that the township's ability to fund the work must be shown. The question here is, if the grant money isn't received, does the Board plan to go forward and do the work anyway? Bullard said, "No." Panzarella asked for the backup plan.

Bullard said that if the grant money isn't received, the new balance will be around \$300,000.00 or less. Panzarella said that must be predefined so the Board has a plan and knows what it will go.

Smith said that a 5-year plan would be necessary. Bullard and Panzarella agreed. Panzarella agreed and said that the basis for the 5-year plan would be no more than \$300,000.00 per year, which is \$1.5 million. The income from the three accounts is \$157,000.00, so there will be a shortage of \$150,000.00 per year, not \$590,000.00 per year, and that is what the Board must come to grips with.

Panzarella said that his goal is to create a backup plan in case the grant isn't approved. He asked what the justification was for fund 1000-330-190-0158. He sees maintenance labor 2 at \$40,000.00 and he asked what that money is for, as well as the money in Maintenance Labor 1 and Truck Casual Labor. If these funds aren't necessary, that money can be saved. It may have come from last year's budget; it needs to be proven that it is necessary this year. He mentioned additional funds and there was discussion.

There was a discussion about funds 1000-330-190-0158, 1000-330-190-0190 & 1000-330-190-0192 and Panzarella asked why the money was in these account. He said that some should be in there, but look at the execution rate. The sum is zero, but many places are

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using 10-30%, and why isn't Berlin Township projecting it as the same? Another question is, why was it submitted to the Fiscal Officer that way when the execution rate was so low?

D'Amico said that he had questions on this, but didn't have the chance to discuss it with Smith. He had no idea what it was for and no idea why there was \$55,000.00 in these funds. His thought was, if the funds were appropriated, why doesn't it just carry over? Bullard said it does. D'Amico asked how it would count against the budget just because it's there and not used.

Smith said that the funds are appropriated for that area. Bullard said that it needs to be counted for the current budget, but that if it is not spent, it will be a carryover. However, it looks bad to have carryover money and it would be better if it wasn't in as a carryover.

Panzarella said he is asking the question now, so that when the township's budget is being reviewed, it has an answer ready. The answer right now is that there is an adjustment there, and question now is, why is it there? It is clouding the picture and shouldn't be there. There was additional discussion.

Bullard asked how the \$40,000.00 should be handled. He suggested funding it not to \$0 but to \$10,000.00, which would serve as a place keeper for the line item, and it will allow Smith to be able to move money into that fund as necessary in the future. At this time, it doesn't appear that the money is spent by the township. He suspected that the funds were for different classifications of workers, and the township no longer has those classifications for workers.

Smith said that also discussed is fire and part-time help for the roads department, so some of that will fall within one of these accounts. Panzarella said that at the last meeting, very specific questions were asked, such as what the workers would be used for, for how many hours, at what rate of pay, and how much will it cost? That would lead to replacing the arbitrary numbers with real numbers. He suggested using 5% instead of just a \$1,000.00 placeholder, unless D'Amico has the answers tonight to the questions that the Board asked him for last week.

D'Amico asked what label was given to part-time workers. He said he cut \$50,000.00 and thought that he was doing well. Panzarella asked for the Labor 1 and Labor 2 rate codes. Smith said Labor 1 is \$12.60/hour, and Labor 2 New Hire is \$14.70, Truck Driver with no CDL is \$12.60, and with CDL is \$18.90.

Panzarella asked for the workload to be defined by those 4 categories. He said that, for example, a CDL license isn't necessary to install signs. D'Amico added that also such a license wasn't necessary to drive a gator or small truck.

Panzarella said that there have been 6 areas that D'Amico can work on to reduce his budget, and he should get on that.

Smith said that she and Shumway had questioned the suggestion to lower the electricity, water, sewage, and natural gas accounts, because the price of gasoline is going up, so it would be logical that those prices would increase as well. Bullard said that the numbers in the appropriate budget look very high to him. For example, telephone is \$3,000.00. Panzarella agreed.

Smith said that she just used the figures from last year for the General Fund, because neither D'Amico nor Bullard answered her inquiries regarding that; only Panzarella responded that he thought the figures were fine.

Panzarella asked the trustees to get working and get the job done. There was additional discussion, and Panzarella asked the trustees to get their numbers into Smith by this Friday. The Board was asked to do this 2 months ago, and he asked why the work wasn't done a month or two ago. Smith confirmed that the Board was currently working on the 2012 budget.

FIRE DEPARTMENT:

Fire Truck - Bullard stated that the truck had been ordered and would be delivered sometime in September or October.

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Northern Township Association Fire Chief’s Meeting – Bullard said that there is a meeting of the Northern Township Association Fire Chiefs and the expectation is that there will be an announcement for the four southern townships that want to obtain money from the county EMS fund.

Bullard said that he has spoken with the Berlin Township fire chief regarding this. The northern townships intend to write a letter indicating that they do not wish to participate in such a program and that they think that is not the right way to go. There is no reason that representatives from Berlin Township should attend the meeting.

ROADS:

2011 Roads Project – Panzarella said that this is a status item. He attended the roads meeting although he hasn’t seen the contractor’s. When the township gets to that point, he will ask him to come to the township to discuss its roads project. He asked if there was anything else for this project that the trustees want to pass on, they should pass the information onto him.

Part-Time Help – D’Amico said he checked with Roads Superintendant Brody Irwin regarding the part time spot labor hiring of Chris Paykoff and Keith Cole, specifically for the replacement of 200 signs, and Brody estimated that it will be about 200 man hours. The cost per hour is \$12.60/hour, for a total of about \$5,000.00.

Panzarella asked whether he had the \$5,000.00 in the execution budget. D’Amico said that \$10,000.00 has been appropriated in fund 1000-330-190-0190 Salary and Maintenance Labor 1. He noted that the work will take some time as those workers cannot work full-time hours and that there would be two workers. Panzarella asked whether it was actually 400 man hours, because D’Amico said earlier in this meeting it would take 200 man hours.

**RESOLUTION
11-06-07**

AUTHORIZE CHRIS PAYKOFF AND KEITH COLE TO WORK AS LABOR MAINTENANCE WORKERS, FOR A TOTAL MAXIMUM OF 400 HOURS BETWEEN THE TWO MEN AT A PAY RATE OF \$12.60/HOUR, FOR THE SOLE PURPOSE OF CHANGING OUT TOWNSHIP ROAD SIGNS THAT NEED TO BE UPGRADED TO COMPLY WITH THE NEW LAW REQUIRING REFLECTIVITY

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

Bullard noted that 200 signs were purchased last year, and the Board should consider the 200 signs that need to be purchased for next year’s work. D’Amico asked how many total signs there were. Bullard said there were about 781 signs.

Smith said that \$12,000.00 was appropriated for the 800 signs, and \$4,444.00 has been spent this year. Panzarella suggested a recommendation to purchase more signs even if they may not be installed this year.

TRUSTEE ITEMS:

Computer contract - Panzarella said that the trustees should have received what Mr. Baker sent to him, and he said that Assistant County Prosecutor Chris Betz’s instructions were to sit down with the contractor to review the forms he needs, as well as the recommended changes to the contract, which he has done. ComputerSmith will have that back to the trustees this week, and it will go back to Betz. After his review, the trustees will have to meet to approve the contract, either at the next trustee Regular Meeting on 7/11/11, or he can try to arrange a Special Meeting if the contract is reviewed soon enough.

Bullard said that the Board authorized Panzarella to work with ComputerSmith, and he asked whether it had authorized him to negotiate a contract with ComputerSmith or to enter into a contract with that company. Panzarella said he was not authorized to enter into any

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contract; the Board authorized him to have a contract that was submitted to the Board and to be reviewed legally. The legal review was that the contract wasn't acceptable to the county prosecutor, and the county prosecutor said that he could discuss the things he needed with the offer, and to send the contract back to him, and then go before the Board, and the Board would then authorize the contract.

Bullard asked when Betz's review would be done. Panzarella said it would probably be the end of this week. Bullard said he would prefer to not have a Special Meeting, but that may be necessary depending on how things turn out.

Panzarella said he had a couple questions on the situation. He reminded the board that it authorized a specific number of hours at the last meeting to bring ComputerSmith on if there was a problem with the password. However, he has lost track of what happened with that.

Bullard said that the latest that he heard is that the password was given to Zoning Inspector Ray Armstrong, who attempted to put it into the computer. However, the computer was built for the fire department, so that computer doesn't accept that password. Panzarella said it was not an easy fix.

Bullard said that the computer hasn't been upgraded yet, and more work needs to be done. He noted that the roads department is able to use a workaround currently to access the information that they need. Panzarella asked whether it was an emergency or not.

Bullard said that it depends, and noted that hours are being eaten up. Panzarella said it didn't seem to be an emergency. D'Amico said that the situation should be fixed within a month or so. Panzarella said that the Board should press on with getting a contract as soon as it can.

Timesheet Policy - Panzarella said that he has received a report that there was a sighting of one of the township road trucks at a Kroger somewhere. He said that the only trucks he knows that are used to go off station sometimes are fire trucks, so he would like to know what was going on with this truck. He was told that the truck was there for about an hour. He asked if any of his statement was wrong.

Bullard said that he was aware of the information, and he said that D'Amico has more information than he does.

D'Amico asked whether he wanted to discuss the situation in public session. Panzarella asked for what reason the Board would go into executive session. D'Amico said that he spoke with Irwin about the issue, and Irwin said that he went to WESCO on township business to get some parts in the township vehicle, and that he stopped at Kroger for lunch.

Panzarella asked whether WESCO comes to the township any more. D'Amico said he wasn't sure. Panzarella said that WESCO used to visit the township with the needed items. He asked whether WESCO is in the same shopping center as the Kroger store. Bullard said that it is across the street.

Panzarella said that the WESCO location is about a mile away from the Kroger store. He asked whether the Board wished to create a policy which addressed situations such as taking a Berlin Township truck to lunch. Bullard said the same thing is done with the fire trucks. Panzarella said that it is done for different reasons.

Bullard said that the fire department needs supplies from various places, including Lowes, and they take a truck there. Typically the Fire Chief's vehicle is used to do that. He said that when the Ford truck was purchased for the roads department, one comment was that it would make it more economical to use that for the roads department to pick up supplies, as it would save gas.

Bullard noted that the road department employees make visits to for example, hardware stores, tractor supply, to buy gravel, etc. Panzarella asked if a policy was necessary. Bullard said it would be nice if there was another way to get some of this done, because some items can be delivered or shipped, but some of it is time critical and must be picked up.

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Panzarella said it seemed then that the township doesn't need a policy on the use of township vehicles. Bullard said that was correct. There are some things that could appear in a policy, such as that anyone other than township employees cannot be driven in a township vehicle during non-emergency situations

Panzarella said he would discuss the issue with the person doing the handbook to see what other townships do. He said that Bullard just told him that on that particular day, Irwin took lunch at Kroger. D'Amico said that was what Irwin told him. Panzarella said that was a day that he spent his half hour for lunch, because the township has a procedure that states that if an employee is on the road, s/he doesn't have to return to the township hall, but s/he does have to report the length of the lunch. Bullard agreed and said that it would not be a paid lunch.

Panzarella asked whether D'Amico had seen the timesheet for that date. D'Amico said that he may have, but he didn't scrutinize that. Panzarella said it should state 8 hours.

Panzarella said that the fire and zoning departments have a record of the time when employees come in to work and when they leave. However, the roads department does not; it simply states the number of hours worked. The work that was done is not indicated on the timesheet. He has asked several times for more detail than that, but he has been told, "No."

Panzarella said he would like to know who does what and when they are doing it, and, based on this discussion, perhaps more definition would be of some use. If an employee took 30 unpaid minutes for lunch, left at 4:00 p.m., and put down 8 hours on the timesheet, the question becomes, is the township paying that employee for 7.5 hours or 8 hours?

Panzarella suggested that the policy be reviewed so, at a minimum, the roads department is consistent with the fire and zoning departments. If the topic comes up again, the Board will know what the accounting is. Once a timesheet has been signed, Smith has to pay that employee, and that means that the trustee who authorized the signature of that pay has to account for those hours, and the Board should be aware of that data that supports that accounting.

Panzarella said he doesn't like the situation and he asked for Board comments. All he hears is that somebody saw a roads truck somewhere. Bullard noted that a truck could be seen anywhere. Panzarella said that he sees Berlin Township fire department trucks at the pizza shop because they are eating lunch. The firefighters carry radios so if a call comes in, they can immediately leave the premises and respond to the call quickly, which is why they bring their equipment with them. The same situation applies to the fire chief and Dodge vehicles; these employees are on call.

Panzarella said that the policy should be more consistent with the other departments so that when a vehicle is seen during the work day, the Board will know exactly when that employee was working. The only department where this information isn't known is the roads department. He asked whether the Board felt the policy should be consistent in the roads department or not.

Bullard said he didn't see a problem with requiring start and stop times for work on time sheets for roads department employees. D'Amico said that the problem with that is that there is nobody to confirm that information anyway. Bullard agreed.

Panzarella said that there would be a signature confirming that information. D'Amico said that he still can't verify the times the employee is here every day and that position does a lot of work outside of the office and is very difficult to track.

Panzarella said he would feel more comfortable if there was consistent accounting, and he asked Smith whether a timesheet with starting and ending hours would be beneficial. Smith said that currently she receives a timesheet with the number of hours worked only. Panzarella said that the additional information would be useful.

D'Amico said that the situation being discussed is not an instance or an example of how timesheets are used. This situation involves following up on somebody who reported that Irwin was at the Kroger, and that person thought he shouldn't have been there. Somebody

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was watching Irwin when they had nothing better to do, and they wondered whether he was getting paid for that time or not. If, for example, Irwin is sitting at a ditch for two hours someday when the Board thinks he should be trimming trees or trimming ditches, he is going to do that and it can't be verified unless someone is asked to patrol the roads every day. The Board doesn't have any way to watch him.

Panzarella said that the Board is not discussing methods to watch Irwin, but instead to account for the hours that the township is paying to get work done. All of those discussions have resulted in the conclusion that a policy change is not necessary. However, he feels that it would be worthwhile for the roads department to be consistent with the zoning and fire departments.

Panzarella said that due to the fact that D'Amico cannot certify the time worked due to various reasons, he suggested that the Board look for a way to provide more confidence regarding what is happening. If not, he doesn't know the basis for which the timesheet can be signed. Just because an employee says he put in 8 hours doesn't mean he did and that cannot be verified.

D'Amico said he has no idea whether, for example, the zoning department employees work the hours that are on their timesheet. Panzarella said that he knows they do, and he signs their timesheets. Bullard asked how he knows they work those hours. Panzarella said that he conducts random checks by calling the zoning office and also comes in. He noted that if they are over 15 minutes, they have to put it down on their timesheet. He is comfortable with that procedure for the zoning department and he is confident that D'Amico could get comfortable with it and audit the roads department timesheets if the policy is changed.

Panzarella said he is also comfortable with the process for the fire department, because it has sign-in sheets, and the fire chief and another office also certifies the information. However, he is not comfortable with the inconsistency in the township and that he doesn't know the basis for which D'Amico signs the roads department timesheets. He would like to be more comfortable with that and is asking how he could do that.

Panzarella suggested that roads employees be required to indicate on their timesheets the hours that they came to work and when they left. At a minimum, this will provide a correlation between what the employee says they did, and what has actually gotten done. He didn't think that is too much to ask.

D'Amico said he didn't think that requiring roads department employees to sign in and out would matter at all. He asked Panzarella how it would make a difference whether a timesheet indicated, for example, 8:00 a.m. to 4:30 p.m., or 7:30 a.m. to 4:30 p.m.

Panzarella said for example, an employee is required to report to work at 7:30 a.m. but she/he doesn't show up, Panzarella gets a call so he comes to investigate and learns that a guy with a truck is here and needs to dig a grave. If that employee had a timesheet that indicated that he showed up at 7:30 a.m., and he did show up for work at 7:30 a.m., he would feel more comfortable with that.

Panzarella said that he has had several telephone calls about various township employees regarding employees not being where they should be during a certain period of time. If the other two trustees are comfortable with that, he is not. If the timesheets are being signed without starting and ending times, he would like to know the basis they are using to approve those timesheets. If the times worked are reported, that would be fine.

Panzarella asked again that the same system be put into place for roads that is also in place for the zoning and fire departments. He asked how D'Amico could certify the roads department timesheets. He asked the other two trustees to think about this and come back to the Board and make a presentation. There are other things that can be done although he doesn't know what they are.

Panzarella said that he thinks the Board is being inconsistent at this time, and by doing so, they are also sending Smith a message. Smith gets questions too, he noted, and the Board owes her some backup. He didn't understand why the other Board members don't want to change the policy.

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Smith said she receives complaints, but she is a new township official and she doesn't know what to do about it. She said she wants to have employees who can be relied on and trusted. When she gets too many questions, she starts to question things as well.

Panzarella said he struggles with the same situation. If he gets a question about a fire department truck, he could answer that question. The township doesn't have a vehicle for the zoning department, but he knows where they are when they have to travel on official township business. He is just asking for the same requirements for the other departments.

Panzarella said that it seems that D'Amico is stating that he doesn't want to do anything about this. D'Amico said that he is saying, for the third time, that he doesn't see the difference in whether an employee puts down two numbers on a timesheet or just the number of hours worked. He said the issue comes down to Panzarella's lack of trust in an employee.

D'Amico said he doesn't have a reason to not trust that employee. Panzarella said that he trusts the employee but he just wants to see consistency amongst the departments. D'Amico said he doesn't think that he does trust the employee, and he thinks that there have been too many blowups between Panzarella and the employee to be capable of having any kind of civil conversation, and whenever there is a question, Panzarella automatically believes the wrong and he doesn't for a second believe that the employee did something right. Instead he believes that the employee did something wrong, and he has to prove himself back.

D'Amico said he doesn't have that problem with this employee. Panzarella said the issue is that he thinks the Board is being fiscally irresponsible if they are not being consistent with all employees in the township, and if everyone else is doing it one way, why is one department inconsistent. He asked why an exception is being made for the roads department.

D'Amico said he wasn't aware that there was an inconsistency. Panzarella asked whether he was aware of that now. D'Amico said that he is now aware. Panzarella said that now that he is aware of that inconsistency, he should think about it and come back to the Board with a recommendation to make changes. He said trust was not the issue; he is interested in having consistent accounting so the township doesn't receive a write-up. He is tired of trying to find the answers when he is questioned.

Panzarella said that D'Amico has heard from two independent sources at this meeting that the township's accounting may not be accurate.

ZONING DEPARTMENT:

Survey - D'Amico asked when the last time that Armstrong did a survey for the township. Panzarella said he didn't know, although he was aware that he does do surveys for the township and that he was scheduled to do a survey for the township, although he doesn't know the specific day he did a survey for the township.

D'Amico asked whether Panzarella knew whether Armstrong was aware of whether or not Armstrong has turned in a request for reimbursement for using his personal vehicle for serving the township in the last four months. Panzarella said that he believed that he has. D'Amico asked whether he believes he has or whether he knows he has.

Panzarella said he doesn't sign for that, and he asked whether Smith did. Smith said that she has never done one. Panzarella said that he believes Armstrong has done so and that he has been requested to do so.

D'Amico said that the point is, he wants to know whether Armstrong has been doing the surveys. It appears that he has been doing the surveys, as he can see information that seems to indicate that he has been doing the surveys, but he is using his personal vehicle and he is supposed to get reimbursed for the use of his personal vehicle.

Panzarella said he will ask Armstrong about when the last time was that he did such a survey. D'Amico said that the Board has discussed that Armstrong was to spend 25% of his time doing surveys, and he didn't know whether that was being done.

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Panzarella recalled that Armstrong was asked to do it a couple times a month and he believes that he has been doing them, based upon conversations he has had with Armstrong. He will ask why mileage requests are not being turned in. He asked whether the point was that he shouldn't be driving and contributing to mileage.

D'Amico said that the point is that he wants to know how much surveying Armstrong is doing and when. If he is doing the survey work, he asked, why isn't he turning in his mileage for reimbursement?

Smith said she has also received complaints about that; she has heard that in the Shadow Creek subdivision there were at least 10 violations, and that another person is aware of 10 other violations within the township. If the violations aren't being done, money is not being brought in. The zoning department doesn't bring much money in, and it spends a lot of money too.

Panzarella said that department brings in about \$26,000.00/year and Smith is aware of how much money it spends. He will ask how often surveys are being done and why mileage reimbursement reports are not being turned in. He will investigate the situation and return to the Board with the answers in order to clarify the situation.

Panzarella asked whether it was correct that Bullard has an illegal sign indicating power washing and painting near his home. Bullard said it is in his neighbor's yard for a company that is doing work in that yard, and there is also a roofing sign in that yard for the company doing that work.

FUTURE MEETINGS:

None

LATE ITEMS:

Bullard reminded everyone that former Berlin Zoning Commission (BZC) Rae Kerlin's going away party was Tuesday June 14th, 2011 at 8:15 p.m, at the conclusion of the BZC meeting that night.

RESOLUTION

11-06-08

MOTION TO ADJOURN

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

Meeting adjourned by Chairman Panzarella at 11:14 p.m.

Philip P. Panzarella, Trustee

ATTEST:

Thomas A. D'Amico, Trustee

Claudia Smith,
Fiscal Officer

Ronald W. Bullard, Trustee