

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Regular Meeting**

**January 24 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 Tom D'Amico

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

**ATTENDANCE:** Joe Korleski, Fire Chief Bill Bechstein, Charles Miley, Brown Twp, Charles Duke, Delaware City, Chris Paykoff

**PUBLIC COMMENT:** Panzarella asked if anyone wanted to make public comment. Hearing none the Trustees moved on to the next agenda item. This meeting is being recorded for transcription purposes only.

Approval of Minutes:

**RESOLUTION  
11-01-14**

**APPROVE THE 01/10/2011 REGULAR MEETING MINUTES  
AND DISPENSE WITH THE READING**

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

**FISCAL OFFICE:** Had none. Panzarella stated that we do have received approval from the county to spend money.

**CEMETERY:**  
No new information

**FIRE DEPARTMENT:**  
Requisitions: Panzarella presented the following requisitions on behalf of Bullard, fire trustee.

**RESOLUTION  
11-01-15**

**APPROVE \$1350.00 TO FIRE SAFETY SERVICES INC. FOR  
ANNUAL PREVENTITIVE MAINTENANCE OF SCBA UNITS**

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

**RESOLUTION  
11-01-16**

**APPROVE \$600.00 TO SIMPLEX GRINNEL FOR ANNUAL  
SERVICE OF FIRE ALARM DETECTION & MONITORING AT  
FIRE STATION**

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

**RESOLUTION  
11-01-17**

**APPROVE \$870.00 TO CAPITAL FIRE PROTECTION  
COMPANY FOR ANNUAL FIRE SYSTEM INSPECTION  
AND SEMI-ANNUAL KITCHEN HOOD INSPECTION  
AT 2708 LACKEY OLD STATE ROAD**

Motion: Panzarella  
Second: D'Amico  
Discussion: Panzarella stated that this is for the hood that is over the cook top in case grease would catch on fire.

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Vote: D'Amico yes and Panzarella yes

**RESOLUTION  
11-01-18**

**APPROVE \$1800.00 TO PHYSIO-CONTROL INC. FOR ANNUAL SERVICE AGREEMENT FOR AED UNITS**

Motion: Panzarella

Second: D'Amico

Vote: Panzarella yes and D'Amico yes

**RESOLUTION  
11-01-19**

**APPROVE \$90.00 TO Z-MAN INC. FOR ANNUAL BACKFLOW DEVICE TESTING AT 2708 LACKEY OLD STATE ROAD**

Motion: Panzarella

Second: D'Amico

Vote: D'Amico yes and Panzarella yes

**RESOLUTION  
11-01-20**

**APPROVE \$1020.00 TO HOWELL RESCUE SYSEMS INC. FOR MAINTENANCE OF EXTRICATION TOOLS ON ENGINE 391 & GRASS 391**

Motion: Panzarella

Second: D'Amico

Vote: D'Amico yes and Panzarella yes

**RESOLUTION  
11-01-21**

**APPROVE \$420.00 TO MISTRAS GROUP INC. FOR ANNUAL GROUND LADDER TESTING**

Motion: Panzarella

Second: D'Amico

Vote: D'Amico yes and Panzarella yes

**RESOLUTION  
11-01-22**

**APPROVE \$1440.00 TO BREATHING AIR SYSTEMS FOR ANNUAL SERVICE AGREEMENT FOR BREATHING AIR COMPRESSOR**

Motion: Panzarella

Second: D'Amico

Vote: D'Amico yes and Panzarella yes

**RESOLUTION  
11-01-23**

**APPROVE \$720.00 TO ARTIC AIR FOR SERVICE AGREEMENT OF HVAC SYSTEMS AT 2708 LACKEY OLD STATE ROAD**

Motion: Panzarella

Second: D'Amico

Vote: Panzarella yes and D'Amico yes

**RESOLUTION  
11-01-24**

**APPROVE \$1800.00 TO COLUMBUS STATE COMMUNITY COLLEGE FOR COURSE # EMS 133: ICE & COLD WATER RESCUE**

Motion: Panzarella

Second: D'Amico

Discussion: D'Amico asked how many firefighters could be trained for this fee. Chief Bechstein indicated that it covered all our firefighters on our site. Panzarella stated that we have had one occasion of needing to pull someone from the lake, a boater who tried to boat on thin ice.

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Vote: D'Amico yes and Panzarella yes

**ROADS:**

**RESOLUTION**

**11-01-25**

**APPROVE UP TO 200 TONS OF SALT FROM THE DELAWARE COUNTY ENGINEER AT 59.40 PER TON PLUS 20% SHIPPING – TOTALING \$14,256.00**

Motion: D'Amico

Second: Panzarella

Discussion: Panzarella asked if this maxed out our contract with the county, D'Amico stated that we were at 370 tons based on the information from Brodi. D'Amico stated that we contracted for 400 and we could go 20% above or below. Panzarella said that 20% above would be 480 so we had 110 more to go.

Vote: Panzarella yes and D'Amico yes

**7:15 P.M. Time Certain Joint Road Meeting**

Panzarella "I call the 2011 Road Meeting to Session. Charles Duke is here from the City of Delaware, Charles Miley from Brown Township, and we received a letter from Liberty Township with the agreement signed. Beth Hugh from Orange Township was supposed to be here but I don't see her. I suggest that the road trustee go to the Berkshire and Orange township meetings with the road agreement for signatures. Or we can designate someone to go to their meetings and do that so we don't slow up the process. We'll start with the largest entity Delaware City, Charles do you have objection to the agreement?"

Charles "The only objection that we have is that we are not signing one but that we will maintain all roadways as stated in the agreement."

Panzarella "So you agree with the intent but don't want to sign the agreement, which is what I think you have done before."

Charles "Yes, that's correct."

Panzarella "I don't know why."

Charles "Reason being is that all the other townships joining with the City of Delaware we do not sign any documentation, but we do understand what our requirements are."

Panzarella "Okay well we haven't had any problems so we'll let the record reflect that Delaware City agrees in principal to live up to the agreement and we can quote Charles Duke."

D'Amico "Last year there was a discussion that you brought up about a possible round about on Glenn Road near Kroger, are they still working on that?"

Charles "Yea, it's on the back burner right now, but may be done in the future."

**RESOLUTION**

**11-01-26**

**MOTION TO APPROVE THE ROAD MAINTENACE AGREEMENT BETWEEN THE CITY OF DELAWARE AND BERLIN TOWNSHIP**

Motion: Panzarella

Second: D'Amico

Vote: D'Amico yes and Panzarella yes

Panzarella "Now we have Charles Miley from Brown Township and I don't think we have had many problems in the past between us."

Miley "There aren't any problems, Brodi and our roads superintendent work out any questions that they had so we are satisfied with agreement and we are willing to sign the agreement. Our meeting is on February 11 and I'll have them sign it then and send it back."

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**RESOLUTION  
11-01-27**

**MOTION TO APPROVE THE ROAD MAINTENANCE  
AGREEMENT BETWEEN BROWN TOWNSHIP AND  
BERLIN TOWNSHIP, PENDING SIGNATURES**

Motion: D'Amico

Second: Panzarella

Discussion: Panzarella "I have been talking to Brodi about signage, like many roads we share signage if we share the road, do you maintain signage on both sides of the road or do we do one side and you do the other?"

Miley "The only signs affected by this are the Plunkett Road and Jumper Road signs. I think in the agreement we were going to do the Jumper Road sign and you would do the Plunkett Road sign."

Panzarella "I just wanted to make sure there was a clear understanding of that because you can do it 2 ways."

Miley "A couple years ago someone at the corner of Plunkett and Baker and asked for the ditch to be cleaned and when we went around with Eldon he said we probably could clean the ditch even though it was our half of the road even though it was in Berlin Township and we shouldn't do work in Berlin Township but I think they got that all straightened out."

Panzarella "The reason that I am bringing it up to the road trustee is the road superintendent brought it to my attention and I would like to assign an action item to get the road trustee observations to the board and recommendations and have the board formerly take care of it so we know what's going on."

Vote: Panzarella yes and D'Amico yes

Panzarella thanked everyone for attending the joint road meeting.

Recess the Joint Roads Meeting until Beth Hugh from Orange Township shows up.

**Mailbox Damages, Reimbursement:**

D'Amico "I did not print out what our previous agreement was but I thought we would pay \$75.00 for actual damage that was done by our plow."

Panzarella "Unfortunately I do not have it and Mr. Bullard who was the former road trustee and would be familiar with it but he is not here. I remember that last year our snow plow driver admitted to hitting a box in Old Field Estates and the box was \$278.00 well above the amount that we had in our books and that amount I believe was \$75.00. So then we had to decide what to do since unfortunately it was our snow plow driver that went into this guy's driveway and in the process of backing out swung around and hit the mailbox. We agreed to pay the \$278.00. The township has to be consistent. If we allow subdivisions' to put in expensive mailboxes that transfers liability to us so we have every right in the zoning process to limit the amount we reimburse for damage to mailboxes. This particular development had curbs and gutters but the driver went over the curb, I guess it was late at night and he was tired. We can set a limit at \$75.00 but we should not allow it to begin with, if we allow it to begin with we are just setting ourselves up for a claim. So we need Mr. Bullard here, I'm saying that if you want to solve the problem. I have asked the zoning office for the letter where we stated that this township would not have open ditches and would have curb and gutters in their subdivisions. This letter was supposed to be sent to the RPC as well as the county engineer and it was supposed to apply to all subdivisions, but I can't get a copy of the letter so I would suggest that if we cannot locate the letter within one month then this board should consider a resolution passed with benefit of legal review to make that statement. As you know we have another development with very expensive road signs. It looks nice but then we have the problem of maintaining them. We have the problem of maintaining ditches. And I was told today that there are 5 houses going in with questionable ditch grading so that is an anticipated bill to this township that is in the future because the ditches won't drain and the reason the ditches won't drain is because we are not the signatory on the signoff with the county who's responsibility it is to do the final inspections and once the county signs off we become responsible but they don't give us any

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money to do the work. We have to get to the basis of what we are allowing through the plotting process so that we don't set ourselves up in the future."

Korleski "You are absolutely right about the \$75.00. I was at that meeting and there are so many of these upward developments that have concrete and brass mailboxes and I thought we were going to limit our liability to \$75.00. They could put up whatever they want we were only going to pay \$75.00 if something happens to it which is our fault. But I don't know the legal ramifications are if someone hits it with our truck. If they're talking big money they may take you to court saying it's your fault. But you were right it was \$75.00."

Panzarella "Thank you."

D'Amico "The issue that brought this up was an incident on Plunket Road and Brodi inspected it and said there was no way it was our fault."

Panzarella "I think it's an issue that we have to discuss further and I'd be more comfortable discussing with three board members. We will defer this to the next meeting."

**TRUSTEE ITEMS:**

D'Amico "Do you know if we have used our gator with the plow for snow removal?"

Panzarella "The gator is shared by the cemetery, as well as the roads department and I don't know that we bought a plow for it."

D'Amico "Yes we do and I was just wondering if they could use it to do the tight corners around the railroad ties might work out."

Panzarella "That's a good idea, who uses it to plow snow?"

D'Amico "I don't think that we have, but I'll talk to Brodi about it."

**RESOLUTION  
11-01-28**

**APPROVE \$168.00 TO CAPITAL FIRE PROTECTION FOR ANNUAL INSPECTION OF THE HALON SYSTEM AND FIRE EXTINGUISHERS AT 3271 CHESHIRE RD**

- Motion: Panzarella
- Second: D'Amico
- Discussion: Panzarella stated that the inspection has to be done before May and they normally call and make sure someone is here.
- Vote: D'Amico yes and Panzarella yes

**ZONING DEPARTMENT:**

Panzarella stated we don't get, in a timely fashion, certification of publications so if we had a subscription we would be able to see that the legal notices for the BZA and BZC have been published. The last BZC they had to do a work around to get proof of publication.

**RESOLUTION  
11-01-29**

**APPROVE \$108.00 TO DELAWARE GAZETTE FOR SUBSCRIPTION TO ELECTRONIC ACCESS FOR A YEAR**

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

**FUTURE MEETINGS:**

- 1/27/11 9:00 a.m. 911 Meeting Panzarella will attend
- 1/31/11 Delaware County Local Government Association Meeting

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**RESOLUTION  
11-01-30**

**RECESS TO EXECUTIVE SESSION FOR  
CONSIDERATION OF APPOINTMENT,  
EMPLOYMENT, DISMISSAL, DISCIPLINE,  
PROMOTION, DEMOTION, COMPENSATION  
OF A PUBLIC EMPLOYEE-TWO TRUSTEES  
AND FISCAL OFFICER ATTEND-7:56 P.M.**

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

**RESOLUTION  
11-01-31**

**MOTION TO RETURN TO REGULAR SESSION**

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

Panzarella "We met in executive session and no decisions or actions were taken. It's my understanding that Dan Paykoff has been a snowplow driver for the township and he has his CDL."

D'Amico "I'd like to discuss the possibility to hire him without an interview since he has past experience plowing snow for the township and he has his CDL and we need drivers. It's not something we typically want to do but based upon his experience and we need drivers and he is local and he is willing to do it."

Chris Paykoff "He does work Sunday, Monday, Tuesday and Wednesday for Marathon but any other day he would be willing to help on his days off."

**RESOLUTION  
11-01-32**

**MOTION TO HIRE DAN PAYKOFF AS PARTTIME SNOW  
PLOW DRIVER EFFECTIVE JANUARY 24, 2011 AT A PAY  
RATE OF \$18.90 AN HOUR PENDING COMPLETION OF HIS  
EMPLOYMENT PACKAGE**

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

**LATE ITEMS:**

Jury Duty Pay-

Panzarella "We have some employees that have been called to jury duty, so we need to clarify what we do with the time they are away from work. My understanding is that typically those people are reimbursed for the hours they normally would be here because they don't have control over when they are called to jury duty. How do we reimbursement them and what do they do with the jury duty pay. I think we should reimburse them their normal rate of pay for the time they are executing their civic duty, so I would move to do that up to their normal duty hour day, for fulltime employees."

**RESOLUTION  
11-01-33**

**MOTION TO REIMBURSE EMPLOYEES CALLED TO JURY  
DUTY THEIR NORMAL RATE OF PAY FOR THE TIME THEY  
ARE EXECUTING THEIR CIVIC DUTY FOR FULLTIME  
EMPLOYEES**

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

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**RESOLUTION  
11-01-34**

**MOTION TO, UNLESS PROHIBITED BY OHIO LAW, THEY  
ARE DIRECTED TO FORWARD TO FISCAL OFFICER THE  
STIPEND THEY RECEIVE FOR JURY DUTY**

Motion: Panzarella

Second: D'Amico

Discussion: Panzarella asked Smith what the procedure was if a check was made out to the employee would they sign it over to the township?

Smith was not sure and said she would check with the auditor.

Panzarella said he would check with the lawyers.

Vote: Panzarella yes and D'Amico yes

**RESOLUTION  
11-01-35**

**MOTION TO ADJOURN REGULAR SCHEDULED MEETING**

Motion: Panzarella

Second: D'Amico

Vote: Panzarella no and D'Amico no

Motion withdrawn

**RESOLUTION  
11-01-36**

**MOTION TO ADJOURN JOINT ROAD MEETING**

Motion: Panzarella

Second: D'Amico

Vote: D'Amico yes and Panzarella yes

**RESOLUTION  
11-01-37**

**MOTION TO ADJOURN REGULAR SCHEDULED MEETING**

Motion: D'Amico

Second: Panzarella

Vote: D'Amico yes and Panzarella yes

Meeting adjourned by Chairman Panzarella at 8:30 p.m.

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Philip P. Panzarella, Trustee

ATTEST:

\_\_\_\_\_  
Thomas A. D'Amico, Trustee

\_\_\_\_\_  
Claudia Smith,  
Fiscal Officer

\_\_\_\_\_  
Absent  
Ronald W. Bullard, Trustee