

## BERLIN TOWNSHIP TRUSTEES

**6:00 P.M.**

**SPECIAL MEETING**

**JANUARY 5, 2011**

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

**CALL TO ORDER:** Chairman Phil Panzarella,

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Tom D'Amico.

**ROLL CALL:** Thomas D'Amico, Phillip Panzarella and Ronald Bullard.

**Public Comment:** Panzarella suggested that public comment be held after discussion. There were no objections.

### **6:00 p.m. Public Hearing BCZ Case # 10-006**

Bullard "Was it properly advertised?". Panzarella said we would get to it with the exhibits.

Panzarella stated Comprehensive Land Use Plan was forwarded by BZC 3 weeks ago. Smith stated that exhibits 1 through 14 were in their packets, she wished to add 15, 16 & 17 being the legal ad request Delaware Gazette 12/15/2010, legal ad Delaware Gazette 12/17/2010 and public notice 12/13/2010 and requested they be entered into the record.

**Discussion:** Panzarella asked if there were any questions and there were none. Panzarella asked if there were any observations for the case. D'Amico- comment regarding the use of tense (past, present, future). Stated plan was very detailed and organized.

Bullard agreed with D'amico and stated there were several issues and the book represented a snapshot of that particular time.

Panzarella said "I had a couple observations, it was well put together and worth the money spent on it. The Comprehensive Land Use Plan was approximately 10 years old. There are some items that we should ask the county to redo for us. The report does not reflect the amount of traffic so we need a traffic count."

Panzarella provided the board with his observations: reference Pg 91 the Fire Department includes one full-time chief, one full-time firefighter, one part-time assistant chief, one part-time fire prevention officer and 21 part-time firefighters. Also add a command vehicle, 2011 Ford Expedition. Page 139 Figure 14.4-build-out Population Sub-Area 1-US 26 Corridor should read US36/SR37 Corridor.

D'Amico questioned corrections regarding sub area.

Bullard asked "How do we propose to make changes?" Panzarella said "In a motion. I want the discussion before the motion so we do not have to unscramble the motion."

Panzarella said "We need an outline for specific action of when, how and who is to do it."

D'Amico said, "There's a spot, I have a funny feeling it's for Kingston (referring to page 123 plan area) on page 139 says North East Kingdom and I believe it should read Kingston."

Bullard said "Page 137, Can I interject? The plan referenced the NE area as Kingdom not to refer to Kingston page 139, they just used made up names."

Panzarella "I asked the RPC to be here and they were unable to attend. I also asked the BZC and no one responded. I asked Ray Armstrong and he was unable to attend. As you know none of us were able to attend every meeting. I suggest that in the future a representative go to all meetings."

**BERLIN TOWNSHIP TRUSTEES**

**6:00 P.M.**

**SPECIAL MEETING**

**JANUARY 5, 2011**

**RESOLUTION**

**11-01-01**

**MOVE TO ACCEPT THE RECOMMENDATION OF THE BZC IN CASE BZC-10-006 WITH THE FOLLOWING MODIFICATIONS TO THE DRAFT DOCUMENT DATED 20 OCT 2010. PAGE 91 FIRE PROTECTION, SECOND SENTENCE SHOULD READ "THE FIRE DEPARTMENT INCLUDES ONE FULL TIME CHIEF, ONE FULL-TIME FIREFIGHTER, ONE PART-TIME ASSISTANT CHIEF, ONE PART-TIME FIRE PREVENTION OFFICER AND 21 PART-TIME FIREFIGHTERS. ALSO ADD A COMMAND VEHICLE, 2011 FORD EXPEDITION TO THE LIST OF VEHICLES WHICH WAS RECENTLY PURCHASED AND NOT IN OUR POSSESSION WHEN THIS WAS DONE IN OCTOBER 2010. PAGE 139 FIGURE 14.4- BUILD-OUT POPULATION SUB-AREA 1-US 26 CORRIDOR SHOULD READ US36/SR37 CORRIDOR. THE EFFECTIVE DATE OF THE DOCUMENT IS TO BE 30 DAYS FROM THE APPROVAL BY THE BOARD OF TRUSTEES PENDING ANY APPEAL OF THE DECISION. THE DRAFT DOCUMENT WILL BE CONVERTED TO A FINAL DOCUMENT 30 DAYS AFTER EXPIRATIONS OF THE APPEAL PERIOD. INCLUDING EXHIBITS ONE THROUGH SEVENTEEN AS READ INTO THE RECORD**

**EXHIBITS**

BZC Case # 10-006

1. Initiate zoning change 10/12/2010
2. CLPU 2010 draft date 10/20/2010
3. Legal ad request Delaware Gazette 9/27/2010
4. Legal ad Delaware Gazette 9/29/2010
5. Attendance record BZC 10/12/2010
6. BZC Mtg Agenda 10/12/2010
7. BZC minutes 10/12/2010
8. Legal ad request Delaware Gazette 10/22/10
9. Legal ad Delaware Gazette 10/26/2010
10. RPC minutes 10/28/2010
11. BZC Mtg agenda 11/9/2010
12. Attendance record BZC 11/9/2010
13. BZC minutes 11/9/2010
14. BZC approval notice to trustees 11/29/2010
15. Legal ad request Delaware Gazette 12/15/2010
16. Legal ad Delaware Gazette 12/17/2010
17. Public Notice 12/13/2010

Motion: Panzarella

**BERLIN TOWNSHIP TRUSTEES**

**6:00 P.M.**

**REGULAR MEETING**

**JANUARY 5, 11**

Second: Bullard

**DISCUSSION:**

Bullard "Are you, by this motion, saying we send this back to BZC to correct or that they make the changes in the final document?"

Panzarella "The intent is BZC will make the modifications the board authorizes, effective date pending an appeal which could have other ramifications."

Bullard "Changes are small we can make the changes and make sure they appear in the book. I Believe if sent to BZC they have to send back to us for final approval. We can make the changes and not involve zoning commission."

Panzarella said "Procedurally we should also have discussion before motion is made."

Bullard said "Before motion I asked how changes were to be done."

Panzarella said "I suggested that before the motion was made, that it be redirected pending any changes made to this document."

Bullard said "I'm confused."

Vote: Bullard Naye, Panzarella yea and D'Amico naye.

**Motion Failed**

D'Amico said "Ron I understand to a point what you said."

Bullard asked Smith to reread the motion.

Smith reread the original motion.

Bullard said "I want it moved to what Smith read and everything is acceptable except sending back to BZC."

**RESOLUTION**

**11-01-02**

**MOVE TO ACCEPT THE RECOMMENDATION OF THE BZC IN CASE BZC-10-006 WITH THE FOLLOWING MODIFICATIONS TO THE DRAFT DOCUMENT DATED 20 OCT 2010. PAGE 91 FIRE PROTECTION, SECOND SENTENCE SHOULD READ "THE FIRE DEPARTMENT INCLUDES ONE FULL TIME CHIEF, ONE FULL-TIME FIREFIGHTER, ONE PART-TIME ASSISTANT CHIEF, ONE PART-TIME FIRE PREVENTION OFFICER AND 21 PART-TIME FIREFIGHTERS. ALSO ADD A COMMAND VEHICLE, 2011 FORD EXPEDITION TO THE LIST OF VEHICLES WHICH WAS RECENTLY PURCHASED AND NOT IN OUR POSSESSION WHEN THIS WAS DONE IN OCTOBER 2010. PAGE 139 FIGURE 14.4- BUILD-OUT POPULATION SUB-AREA 1-US 26 CORRIDOR SHOULD READ US36/SR37 CORRIDOR. THE EFFECTIVE DATE OF THE DOCUMENT IS TO BE 30 DAYS FROM THE APPROVAL BY THE BOARD OF TRUSTEES PENDING ANY APPEAL OF THE DECISION. THE DRAFT DOCUMENT WILL BE CONVERTED TO A FINAL DOCUMENT 30 DAYS**

**BERLIN TOWNSHIP TRUSTEES**

**6:00 P.M.**

**SPECIAL MEETING**

**JANUARY 5, 2011**

**AFTER EXPIRATIONS OF THE APPEAL PERIOD.  
INCLUDING EXHIBITS ONE THROUGH  
SEVENTEEN AS READ INTO THE RECORD**

**EXHIBITS**

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13. BZC minutes 11/9/2010
14. BZC approval notice to trustees 11/29/2010
15. Legal ad request Delaware Gazette 12/15/2010
16. Legal ad Delaware Gazette 12/17/201017.
17. Public Notice 12/13/2010

Motion: Panzarella  
Second: Bullard

Vote: Bullard yea, Panzarella yea and D'Amico yea.

Motion Passed.

Bullard asked, "Shouldn't the exhibits be part of the motion? I want to clarify what I learned in BZC training. The exhibits being in the motion..... "

Judy Shumway stated "The exhibits have been read into the record by Smith."

Panzarella said "The document included in the meeting includes a list of exhibits read into the record, the list will appear in the minutes."

**HEARING CONCLUDED AT 6:42 P.M.**

**RESOLUTION  
11-01-03**

**ADJOURN MEETING 6:43 P.M.**

Motion: Bullard  
Second: D'Amico

Vote: Bullard yea, Panzarella yea, D'Amico yea

**SIGNATURES ON NEXT PAGE**

**BERLIN TOWNSHIP TRUSTEES**

**6:00 P.M.**

**REGULAR MEETING**

**JANUARY 5, 11**

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Claudia E. Smith, Fiscal Officer

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Philip P. Panzarella, Trustee

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Ronald W. Bullard, Trustee

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Thomas A. D'Amico, Trustee