

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Regular Meeting December 12, 11

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 Tony Korleski

ROLL CALL: Phil Panzarella, Tom D’Amico (Arrived at 7:25 pm), Ron Bullard, Claudia Smith, Fiscal Officer.

ATTENDANCE: Joe and Toni Korleski, Chief Bechstein, Chris Paykoff, Larry Buell & Judy Shumway

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

RESOLUTION 11-12-01 APPROVE THE 11/28/2011 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING.

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

Smith advised trustees that the resolution for the handbook also needed to be signed.

Panzarella asked if we could move the cemetery topic up so Buell could attend another meeting.

CEMETERY:

Buell stated that an individual attempted to purchase a headstone and the headstone company called us to see if we would allow the wording he wanted engraved on it. Buell stated that there was some profanity and he felt it was not appropriate for our township or our cemetery and asked that the trustees make a resolution before a headstone with profanity is placed in the cemetery.

Bullard said he didn’t want the trustees to have to approve what language people put on headstones but what they put on them must follow our rules. Panzarella said a resolution that says “No offensive language or sketches will be allowed on any surface of any headstone installed in the cemetery” might be useful. Bullard asked what offensive was and Panzarella said the offensive language part run by the prosecutor and he said the resolution was fine for the board to consider. The board would have to define offensive at the time that the offensive language is proposed.

Joe Korleski “We have established through the prosecutor that the board has control over what goes on in the cemetery and see no point in allowing anything that the board thinks is offensive. You have the right to do it and it is legal.”

RESOLUTION 11-12-02 APPROVE NO OFFENSIVE LANGUAGE OR SKETCHES WILL BE ALLOWED ON ANY SURFACE OF ANY HEADSTONE INSTALLED IN THE CEMETERY.

Motion: Panzarella
Second: Bullard

Discussion: Buell said offensive language is very broad and asked if they should state in the resolution to be determined by the trustees? Panzarella said who else would do it but the trustees as they are the only ones that can do it. Bullard said he didn’t want the trustees to look at every stone before they are purchased to say that it is not offensive. Buell stated that if someone places something offensive on a headstone we will not know it until the stone is placed in the cemetery and asked once the stone is placed in the cemetery whose property is it and thought it was the townships. Shumway said it is not.

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Vote: Bullard yes, Panzarella yes, and D’Amico absent

FISCAL OFFICE:

Bank statement for November was signed.

Health Insurance Renewal – Smith said she had been in contact with Melissa from Burnham & Flower after sending her completed applications in order to receive a quote on health insurance and she had asked what the probability was that we would award them the business because in years past she has put time and effort into getting us quotes and attending our meetings and we did not. She stated that we only had the rates from Ohio Insurance Services to go by and that the rate increase was 5.96%. Smith said she needed them decide as she had a bill coming due that was for the January premium and if they were going to switch carriers that needed to be done soon.

Bullard asked if McClelland compared different companies to come up with the best quote. Smith said she did not know, what she had was submitted by him. Panzarella said he wanted to give D’Amico time to look at the quote and since he was not here he asked that we cover this at the next meeting.

Provident AD & D Insurance Policy –

**RESOLUTION
11-12-03**

**APPROVE \$1,931.00 TO BURNHAM & FLOWER GROUP FOR
PROVIDENT VOLF POLICY #ESO-5588274, 3RD INSTALLMENT
OF 3 YEAR POLICY.**

Motion: Bullard

Second: Panzarella

Vote: Panzarella yes, Bullard yes and D’Amico absent

Old Business –

Township Personnel Overhead Rates – Smith said she put together information about full time employees and did not know she was supposed to get them for all employees. She will have it for the next meeting.

Jake Brakes – Panzarella asked if we were going to go forward with the motion regarding jake brakes. Bullard said the county engineer was investigating Cheshire & Old State Road and Cheshire & Africa Roads for safety improvement and possibly putting in rumble strips. “We received a report that the county was recommending installation of red flashing light stop signs to improve the safety of these intersections. Since rumble strips are not going to be installed I recommend that we implement the jake brake resolution.”

Cemetery: Rules, Deeds, Right-of-Re-entry – Panzarella asked Buell when the new set of rules would be ready to send to the prosecutor. Buell said he would have them for the next meeting.

Drainage – Panzarella wanted the record to reflect that D’Amico was now in attendance and arrived at 7:25 pm. Panzarella said since we have authorized the issues be taken care of we just have to wait for the weather to cooperate.

Big Walnut Watershed – Panzarella said we were asked if we wanted to participate in the Big Walnut Watershed and we turned the issue over to the BZC and they gave us a proposed resolution. This resolution is our response to the Big Walnut Watershed Planning Partnership Balanced Growth Priority Areas presented to us by MORPC. Berlin Township has Produced a Comprehensive Land Use Plan and adopted compatible zoning maps and resolutions to adequately preserve the ecology of the township and Big Walnut Watershed located within the township. The above mentioned plans have incorporated all watershed and other conservation areas that were defined as of their dates of adoption. We do not approve of any new restrictions which would be in conflict with our existing land use plan. Panzarella said the last sentence of the resolution stated “We do not intent to yield the authority given us by the State of Ohio to control our own zoning and land use. I don’t know that this is necessary as no one can take the authority away from us that the Ohio Revised Code gives us.”

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Bullard and D’Amico said it was fine without the last sentence.

**RESOLUTION APPROVE 5 MINUTE RECESS TO RETRIEVE MAPS AT 7:36 P.M.
11-12-04**

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

**RESOLUTION RECONVEN AT 7:41 P.M.
11-12-05**

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

**RESOLUTION RESPONSE TO THE BIG WALNUT WATERSHED PLANNING
11-12-06 PARTNERSHIP BALANCED GROWTH PRIORITY AREA TO US BY MORCP. BERLIN TOWNSHIP HAS PRODUCED A COMPREHENSIVE LAND USE PLAN AND ADOPTED COMPATIBLE ZONING MAPS AND RESOLUTIONS TO ADEQUATELY PRESERVE THE ECOLOGY OF THE TOWNSHIP AND BIG WALNUT WATERSHED LOCATED WITHIN THE TOWNSHIP. THE ABOVE MENTIONED PLANS INCORPORATED ALL WATERSHED AND OTHER CONSERVATION AREAS THAT WERE DEFINED AS OF THEIR DATES OF ADOPTION. WE DO NOT APPROVE OF ANY NEW RESTRICTIONS WHICH WOULD BE IN CONFLICT WITH OUR EXISTING LAND USE PLAN AND ZONING RESOLUTION.**

Motion: Panzarella
Second: Bullard
Discussion: Paykoff asked what areas of the township are affected by this watershed. Bullard said this has been going on for over a year and started with the Olentangy Watershed group followed by Big Walnut. They wanted everyone to participate in the Big Walnut Watershed group and he asked why we are Big Walnut when we are mainly Olentangy and was told that they grouped them together. Paykoff asked who’s idea it was to group Alum Creek with Big Walnut and Bullard said it was MORPC.
Vote: D’Amico yes, Panzarella yes and Bullard yes

FIRE DEPARTMENT:

Names for VFFDF Board – Bullard stated that he has talked to Pat Paykoff who was willing to be on the board but he was not able to get ahold of the second person so he would bring it to the next meeting.

Chief Bechstein said the fire department utilizes Jake braking on engine 392 so how was this going to affect them with the Jake brake resolution. Bullard said he would check into it.

Smith wanted to remind everyone that spending cutoff was Friday December 16th.

ROADS:

2012 Road Projects with Anticipated Costs – D’Amico said he talked to Irwin and he is basing the cost for 2012 on 2011 pricing as the pricing of materials for 2012 is not available yet. Some sort of work is planned for Piatt Rd, Baker Rd, Plumb Rd, Connor Lane, Sherman Rd, Roesland & 3 B’s & K which comes to \$335,000 and we are trying to get an OPWC grant for Piatt Road. This is a basic description with asphalt on Plumb Road and Connor Lane, and I think tar and chip on Roesland and Sherman. Panzarella “This is the expected costs, will there be an analysis of sources of funds, where is the money coming from? It would be worthwhile to discuss this early next year.”

Report on Cheshire/Old State/Africa Roads – Bullard stated that the flashing stop signs are up. A sign at Africa & Cheshire northbound is blocked by a sign put up by the park and we should bring it to the county engineer’s attention. The owners of the market were concerned that the sign placed on the south side of the road would obstruct their parking lot but the sign was placed in the right of way or the core of engineers land not on private property.

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Workload/tasks – D’Amico received quotes regarding the shutters and the water tank installation and stated that the quote to replace the shutters at Lowe’s was \$1,050. Panzarella asked D’Amico to get another quote since it was over \$1,000.00.

RESOLUTION 11-12-07 APPROVE \$985.00 TO NORTHLAND HEATING & AIR CONDITIONING TO REWORK PLUMBING AND INSTALLATION OF ELECTRIC WATER HEATER

Motion: D’Amico
Second: Bullard
Discussion: Panzarella asked if they were taking out the old tank. D’Amico said the quote indicated removal. Bullard asked if this was getting rid of the gas valve which we do not want them to remove. Panzarella “So we want them to re-plumb the valve but keep the valve.”
Vote: Panzarella yes, Bullard yes and D’Amico yes

Tree/Branch trimming in subdivisions – D’Amico said we need to get this done before spring. Panzarella said we should get a list of all the trees that are considered a safety item by location and then contact the homeowner’s association and ask if they want us to take them down or they want us to and if they want us to it may not be pretty. D’Amico will work on this.

ZONING DEPARTMENT:

Status Report - Panzarella stated that housing has increased a little but we are still \$3,000 short from last year.

FUTURE MEETINGS:

12/14 Frank Gates Safety Training – Chief Bechstein, Brodi Irwin & Ron Bullard to attend
12/15 Big Walnut Watershed at Westerville Public Library at 4:00

LATE ITEM –

Bullard said he talked to Larry Cooper from DKMM and they are willing to work with us on repairing the old recycle bin area since they damaged it.

RESOLUTION 11-12-08 RECESS TO EXECUTIVE SESSION FOR CONSIDERATION COMPENSATION OF PUBLIC EMPLOYEES–THREE TRUSTEES, CHIEF BECHSTEIN AND FISCAL OFFICER ATTEND-8:13 P.M.

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

RESOLUTION 11-12-09 MOTION TO RETURN TO REGULAR SESSION AT 9:26 P.M.

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

Panzarella “We met in executive session and no decisions or actions were taken.”

TRUSTEE ITEMS –

Employee Compensation Pay Rate Discussion – Smith gave the trustees compensation benefit breakdowns for the full-time employees and Panzarella said they needed one for all employees. Smith said she miss understood and would have it for the next meeting.

Smith asked Shumway for clarification regarding trustees pay either per diem or equal payments. She stated that at the last meeting trustees voted on 12 equal payments but then Smith discovered that there had to be a unanimous vote which there was not. She was asked if the pay method had to be voted on every year as information that she had did not indicate that although that is what she had been told. Shumway indicated that since it was

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an election year they should vote on it. Smith indicated that they did this at the last meeting but since it was not unanimous she was not sure what would happen now and information in the Ohio Township Handbook stated "If the board is dissatisfied with the annual salary, and would like to return to per diem method only majority action was required." She had not heard that any of the trustees were dissatisfied with annual salary so she wondered if they could keep annual salary in place.

**RESOLUTION RECIND RESOLUTION # 11-11-25
11-12-10**

Motion: D'Amico

Second: Bullard

Discussion: Panzarella stated he preferred per diem as it gave visibility to what trustees do and he gets asked what Bullard & D'Amico do and says what he thinks they do. A per diem book would tell what they do and that is why he votes for per diem.

D'Amico said in past years Panzarella has always voted for salary as it was easier for the fiscal officer. Panzarella said they are not being transparent. D'Amico stated that he was not going to run for trustee but Panzarella told him he would help him. Panzarella said he would help him get through the first year.

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

**RESOLUTION APPROVE COMPENSATING TRUSTEES \$12,346.00 PER YEAR IN
11-12-11 TWELVE EQUAL INSTALLMENTS.**

Motion: D'Amico

Second: Bullard

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

D'Amico asked Smith to ask the prosecutor what the correct process was regarding payment methods and if what we did was correct. He also asked Smith to ask if a trustee should vote or abstain from voting on a resolution to repair roads in a trustee's subdivision which would improve his property values.

D'Amico wanted to talk about liaisons but Panzarella said it was not on the agenda and he did not want to go outside the rules. D'Amico said that never bothered him in the past.

**RESOLUTION MOTION TO ADJOURN
11-12-12**

Motion: Bullard

Second: Panzarella

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

Meeting adjourned by Chairman Panzarella at 9:48 P.M.

Philip P. Panzarella, Trustee

ATTEST:

Thomas A. D'Amico, Trustee

Claudia Smith,
Fiscal Officer

Ronald W. Bullard, Trustee