

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. 2011 YEAR END MEETING DECEMBER 27, 11

**RESOLUTION
11-12-17**

**APPROVE RENEWAL OF TOWNSHIP INSURANCE
FOR YEAR 2012 AT COST OF \$24,977.00
PAYABLE TO OTARMA**

Administrative	\$ 3,643.50
Building	\$ 600.00
Zoning	\$ 1,685.50
Road	\$ 6,940.50
Cemetery	\$ 339.00
Fire	<u>\$11,768.50</u>
TOTAL	\$24,977.00

Motion: Bullard
Second: D’Amico

DISCUSSION: There was no discussion on insurance.

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

**RESOLUTION
11-12-18**

**NAME VFFDF BOARD APPOINTMENTS-PATRICK
PAYKOFF AND ROBERT FORD, SR.-TERM
JANUARY 1, 2012 TO DECEMBER 31, 2012**

Motion: Bullard
Second: D’Amico

DISCUSSION: Stein questioned if it was Bob Ford Junior or Senior. Bullard said it was Senior.

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

EMPLOYEE HEALTH INSURANCE-Shumway requested a resolution to name a health insurance provider for the township. Panzarella said he didn’t know what was wanted. Shumway said a resolution was needed to name the providing vendor. She said trustees had previously received information from at least one vendor and the Board had requested more comparison quotes. Panzarella suggested taking a five (5) minute recess to locate the previously provided information. Bullard proceeded to read aloud from previous meeting minutes searching for a previously adopted resolution. Panzarella said trustees had discussed numbers at a prior meeting. Panzarella said he believed trustees had adopted a resolution. Panzarella said the item would be deferred to later in the meeting after a recess.

OPEN PURCHASE ORDERS-Trustees were given a list of open purchase orders and asked to identify proposed projects not completed. Trustees spent the next thirteen (13) minutes going through the list. Panzarella commented, “This is a working session and we’re trying to do the best we can.” Open work items not yet completed by Glenn Excavating due to weather related conditions: drainage on Plumb Rd.; ditch cleaning on Plumb Rd.; and repair of storm drain pipe on Lackey Meadows.

**RESOLUTION
11-12-19**

**AUTHORIZE REMOVAL OF INVENTORY ITEM
#16931-BUNN COFFEE MAKER-REPORTED NO
LONGER SERVICEABLE BY FIRE CHIEF
BECHSTEIN DECEMBER 5, 2011**

Motion: Bullard
Second: D’Amico
Vote: Panzarella yea, D’Amico yea and Bullard yea.

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INVENTORY SHEETS-Shumway said several inventory reports were received unsigned. Those being road department, zoning department and trustees department. Those completed and signed were: building by Panzarella; cemetery by Panzarella; grounds by Panzarella; road/cemetery by Panzarella; fiscal office by Smith, and fire by Chief Bechstein.

Panzarella said, "I signed my inventory sheets. If sheets aren't signed we don't know who did it or attests." D'Amico said, "I'll discuss it with the road department."

TRANSFER FIRE FUND MONEY TO CAPITAL PROJECT-FIRE TRUCK FUND-Panzarella said a capital project fund had been established to receive money for the future purchase of a tanker/pumper fire truck. He said in the previous year \$115,000.00 had been transferred. Panzarella said it had been discussed that \$130,000.00 would be transferred each year to save for the truck. Panzarella said he only had November financial information and couldn't determine how much could be transferred for 2011. Shumway advised that the current cash balance in the fire fund was \$480,682.48. Panzarella questioned the fire chief asking if the chief thought a transfer of \$130,000.00 would be OK. Chief Bechstein said he thought that would be OK.

RESOLUTION

11-12-20

APPROVE TRANSFER OF \$130,000.00 FROM FIRE FUND-2111 TO CAPITAL PROJECT FUND-FIRE TRUCK-4901

Motion: Bullard
Second: D'Amico

DISCUSSION: D'Amico questioned if \$150,000.00 was recommended. Chief Bechstein, "Last year we did \$130,000. We can add to it later." Bullard said, "It's not something that we can go back and get, the money doesn't go away. Bullard said there would be no more money until the tax payment in June."

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

RESOLUTION

11-12-21

RECESS MEETING-FIVE (5) MINUTES @ 7:43 P.M.

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

RESOLUTION

11-12-22

RECONVENE MEETING @ 7:49 P.M.

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

DISCUSSION: Panzarella said the health insurance information dated November 11, 2011 had been retrieved. The quote from Medical Mutual was five percent (5%) more than last year.

RESOLUTION

11-12-23

APPROVE CONTINUING EMPLOYEE HEALTH INSURANCE COVERAGE WITH MEDICAL MUTUAL THROUGH OHIO INSURANCE SERVICES AGENCY

Motion: Bullard
Second: D'Amico

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DISCUSSION: Bullard had stated the insurance carrier would be renewed to cover those already participating. Shumway said others could sign up during the open enrollment period and she didn't believe the motion should limit coverage to only those already participating. Panzarella said, "There can't be a limitation for those in the policy, other adds must be included. The cost for coverage is up 5.96% from last year. It seems to me we're authorizing renewal which has a rate structure. We're agreeing to terms of the policy."

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

OLD BUSINESS

"TO DO" LIST-Panzarella said he had provided a revised "to-do" list to board members and the fiscal officer. The list included various repair and maintenance items not yet completed.

NUISANCE COMPLAINT DISCUSSION: Panzarella said a complaint had been received regarding a property on Peachblow Road. He said, "Apparently someone is re-doing a house. It is starting to encroach on the roadway." Bullard provided two (2) photos to trustees for review stating one was taken about 2:00 p.m. and the other about 4:30 p.m. today (December 27, 2011) (photos not provided to fiscal officer for the record). Bullard said, "Someone moved the mattress." Panzarella said, "What can we do? The sheriff has not been contacted. The prosecutor was contacted and he said we can do a nuisance complaint resolution. The stuff's been there two (2) or three (3) weeks now, I was contacted. We can contact the sheriff." Bullard said, "I believe the zoning department in the past worked with people in a friendly way. The zoning inspector was not received well and was asked to leave. The owners are unwilling to work with the township. I think we pursue it as a nuisance, they refuse to do anything." D'Amico said, "It's not a nuisance but it's an eyesore. I can't identify if a dumpster is there. We can see if the sheriff can help us." Panzarella said, "It bothers me. The zoning inspector was asked to leave the premises. Do we pursue the nuisance thing and report it to the sheriff to see if it creates a hazard on that road? The zoning office can do it in the morning. I think it's best to have law enforcement go there. I will follow up tomorrow (Wednesday, December 28, 2011).

CEMETERY

CEMETERY DEEDS-Trustees signed cemetery deeds.

CEMETERY RULES STATUS-Panzarella said, "We received a packet from Larry Buell. At the last meeting Larry agreed to provide them to us and I believe we said we'd run these by the prosecutor for a legal opinion. We have the right-of-return in front of us. We can handle it next year." Bullard said, "I have a couple questions. The right of re-entry should be in the 'terms of sale'. We meant terms of sale and right of re-entry." Panzarella said, "With right of re-entry the township would have the right after fifty (50) years." Buell said, "I don't remember, if it was 1994 or 1996, but the Ohio Revised Code said you had to have a resolution to do 'right of re-entry'." Panzarella referred to the paragraph below #5, A & B. Bullard said, "Fifty (50) years is not in item #4, it is in #5. Item D on the next page refers to the township paying the original owner 80% of the original purchase price. We may not be able to find the original owner." Buell said, "It's in there because if someone moved out-of-state and bought fifteen (15) graves." Bullard said, "Item #12 refers to cremation grave spaces as 4 ft. x 5 ft. I want to be sure we only sell in 4 ft. x 10 ft. lots." Buell said, "The cemetery is laid out with graves 4 ft. x 10 ft."

Buell said, "I want to see action taken. We brought this up last April. I want to see action taken." Panzarella said, "We need to get the prosecutor to authorize it as a resolution or make a recommended resolution." Bullard said, "Both rules need to be interspersed." Shumway said, "Larry and I worked on these and the reason for two rules papers is because we need rules at all times. We revised the current rules and also prepared rules for the re-entry situation." Panzarella asked, "Will these (referring to the current revised two page rules) be incorporated in the Organization Meeting?" Shumway said, "Yes."

CEMETERY DATABASE STATUS-Buell said, "I'd like to have this done by now but it's been very time consuming. An example is that my records show burial of an unknown in one place, the Army Corps' records show an unknown buried in a different location. We have had to spend time in the cemetery probing and trying to locate the graves. We didn't find

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them in either location. I feel there are some mistakes and we have to check out each one to be sure. Right now we're about 1/3 done." Panzarella said, "It's not good to rush. I would like you to be at the next meeting. I want to look at two (2) things. When can you tell us when 90% done? I don't want to let this go a long time. I want a correlation to the task and bring it to closure. Tell us what percent can get done. We could make progress payments. I'm afraid we will be hit with a big unexpected cost." Buell said he would work on that. Bullard said, "I agree with progress payments. The Board is committing to something we don't know what the cost is. I agree with what Phil is saying."

RESOLUTION

11-12-24

APPROVE PAYMENT OF \$3,500.00 TO MILEY EXCAVATING FOR FOURTEEN (14) GRAVE OPENINGS IN 2011

Motion: Bullard
Second: D'Amico

DISCUSSION: Panzarella said Miley told him he would not increase the cost of grave openings in 2012. He said, "Miley said he was a township member too."

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

DISCUSSION: Panzarella said he wanted to address the issue of offensive language or images on cemetery headstones. He stated trustees had previously approved Resolution 11-12-02 regarding language and sketches on tombstones. He said, "After discussing this with the prosecutor's office, it was determined that the sketches part is ambiguous and should be changed."

RESOLUTION

11-12-25

APPROVE-RESCIND RESOLUTION 11-12-02 REGARDING "OFFENSIVE LANGUAGE OR SKETCHES" ON TOMBSTONES

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

RESOLUTION

11-12-26

APPROVE RULE OF "NO OFFENSIVE LANGUAGE OR IMAGES WILL BE ALLOWED ON ANY SURFACE OF ANY GRAVE MARKER (HEADSTONE, FOOTSTONE OR ANY OTHER TYPE GRAVE MARKER IN THE CHESHIRE CEMETERY, BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO"

Motion: Panzarella
Second: Bullard

DISCUSSION: Bullard questioned use of silver lighted crosses. Panzarella said, "That should be left up to the discretion of the cemetery sexton."

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

FIRE DEPARTMENT

INVOICE-PAYMENT AUTHORIZATION-Shumway presented an invoice dated after the spending cutoff date and requested trustees' approval for payment.

RESOLUTION

11-12-27

APPROVE \$267.75 PAYMENT TO FIRE

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APPARATUS SERVICE AND REPAIR, INC. FOR REPAIRS TO ENGINE 391

Motion: Bullard
Second: D’Amico

DISCUSSION: Chief Bechstein said the repair had been invoiced late. He said it was included in the purchase requisitions for \$2,500.00 repairs for one engine and \$4,500.00 for another engine. Bullard read through purchase orders searching for \$267.75.

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

GRASS TRUCK-Bullard said, “The grass truck was received back but it didn’t work properly and was back at the repair shop.” Panzarella questioned the fire chief, “Chief will you monitor this until it works properly?” Bechstein said he was holding the invoice until the truck was fixed.

ROAD DEPARTMENT

2011 ROAD IMPROVEMENT PROJECT PAYMENT-Panzarella requested a resolution be adopted authorizing the exact payment for the 2011 road improvement project described in Resolution 11-08-11. He asked if the road program had been completed properly and approved by trustees.

RESOLUTION 11-12-28

AUTHORIZE PAYMENT OF \$431,873.72 TO SHELLY & SANDS AND APPROVE COMPLETED ROAD IMPROVEMENT PROJECT (VARIOUS LISTED ROADS) AS COMPLETED IN 2011

TR 35	S. 3 B’s & K Rd.-.82 mi.	\$ 85,698.60
TR 78	Heverlo Rd.-.44 mi.	\$ 3,410.00
TR 99	Piatt Rd.-.93 mi.	\$ 19,210.40
TR 274	Hollenback Rd.-1.21 mi.	\$202,788.52
TR 373	Connor Lane-.21 mi.	\$ 2,475.00
TR 376	Roesland Dr.-.48 mi.	\$ 5,408.70
TR 1241	Summerwood Crossing-.60 mi.	\$ 44,558.88
TR 1242	Streamside Dr.-.52 mi.	\$ 38,617.69
TR 1243	Summerwood Ct.-.06 mi.	\$ 4,455.89
TR 1244	Summer Trail Ct.-.08 mi.	\$ 5,941.18
TR 1362	Summerview Pl.-.21 mi.	\$ 15,595.61
TR 1363	Summerview Ct.-.05 mi.	\$ 3,713.25
	TOTAL	\$431,873.72

Motion: Panzarella
Second: Bullard

DISCUSSION: Bullard questioned why trustees were adopting another resolution to pay the road improvement project. He asked, “Is it because of the size? This is a little different procedure than in the past.” Panzarella said, “We need trustees to approve the project.” Panzarella asked Shumway to further explain. Shumway said the resolution was to authorize payment of the exact amount expended as the contract was for a higher amount and trustees had not approved the project’s completion to their satisfaction.

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

2012 ROAD IMPROVEMENT PROGRAM-D’Amico said, “I just got data from Ungashick” (no data was provided to the fiscal officer for the record). Panzarella asked, “Does that mean we take no action now?” D’Amico said, “I’ll get with Brodi (road superintendent) and have estimates within a month.”

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BUILDING SHUTTER REPLACEMENT-D’Amico gave trustees a quote of \$476.00 (14 shutters x \$34.00 ea.) from Home Depot for building shutters. He stated the price was lower than the one from Lowe’s. Panzarella asked if they would be done. D’Amico said, “Not now.” Bullard said, “We have an account at Lowe’s. We don’t have an account at Home Depot. I have the application.” Panzarella asked, “Is it the will of the Board to get an account?” There was no response.

TRUSTEES

PRICE PROPOSAL FROM SAFEX-Panzarella presented a price proposal for investigating the township house offices and hallway for mold and mildew. He said, “It is pricy, it’s about \$1,400.00 to define the problem and have a report. Since it’s over \$1,000.00 to define the problem and have a report, we’re supposed to get three (3) estimates. We can carry this forward as old business items. I brought this for information purposes only and to show we’re taking this serious to find out something.”

WEBSITE PROBLEM-Panzarella said, “We can’t post minutes. I had Ray on a call with me today. He is going to be gone. I will follow up.”

SPAM BLOCKER-Panzarella reported, “There is no spam blocker currently on the township computers, it has disappeared. I was told it was not in the proposal. I will report at the next meeting.”

ZONING

STATUS REPORT-Panzarella reported there was no zoning status report and that it would be made available January 9, 2012. He said, “With several days left in this month we should wait.”

FUTURE MEETINGS

Bullard reported, “A Big Walnut watershed planning meeting will be in January. I’m not sure, I think it’s the 11th. I forwarded the information to Ray (zoning inspector) and all trustees. I asked him (Ray) to send it to the zoning board.”

LATE ITEMS

D’Amico said, “I don’t know if we need to do this. Claudia checked on payment to the trustees. It stays on salary basis, do we need to rescind the motion?”

Panzarella requested a copy of the legal opinion. Panzarella said, “We need to read the prosecutor’s opinion into the record.” D’Amico said, “We don’t have to do anything, it stays salary.” Panzarella questioned, “Do we want to read it into the minutes?” No one responded to his question.

ADJOURN

RESOLUTION

11-12-29

MOTION TO ADJOURN END OF YEAR MEETING @ 8:45 P.M.

Motion: Bullard
Second: D’Amico
Vote: Panzarella yea, Bullard yea and D’Amico yea.

Meeting adjourned at 8:45 p.m.

See next page for signatures

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Signatures

Philip P. Panzarella, Trustee

ATTEST:

Ronald W. Bullard, Trustee

Judy K. Shumway
Assistant to the Fiscal Officer

Thomas A. D'Amico, Trustee