

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

April 25, 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 Larry Buell

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

ATTENDANCE: Mary Bechstein, Chief Bechstein, Craig Hall, Joe Korleski, Larry Buell, Ron Ford, Robert Ford,

PUBLIC COMMENT: Panzarella said the meeting was being recorded for transcription purposes only and that 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.

RESOLUTION

Approval of Minutes:

RESOLUTION

11-04-11

APPROVE THE 04/11/2011 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

Motion: Bullard
Second: Panzarella
Vote: Panzarella yes and Bullard yes

Panzarella stated that the next item on the agenda was the Special Roads Meeting of April 9, 2011 and he would like to hold off on it till the next meeting as all trustees were at that meeting and he would like to get all their comments regarding same. It was a long meeting and a lot of things were covered such as trees in the right of way the roads program which this year will be approximately \$500,000, which is the largest expenditure of township funds that he is aware of; this covers 1/7th of all the roads that will be worked on this year. It is a huge undertaking and I want everyone to have a say on what happens.

FISCAL OFFICE:

No new information

CEMETERY:

7:10 Time Certain – Burial Containers and Vaults

Buell “I’m Larry Buell, Cemetery Sexton for Berlin Township and there has been a question raised whether we allow above ground crypt, which is nothing but a vault that sits above ground. You may see a few of this in cemeteries in the U.S., they are popular overseas where they can’t dig a hole because of rocks. Since the question has come up I want the trustees to make a decision regarding this before someone buys a grave and want to put a crypt there. We need something that governs this. In my opinion I don’t think it’s appropriate for our cemetery. I would like a resolution be made that would only allow steel and concrete vaults for full size adult graves be buried underground. The reason I say full size is because sometimes infant and child vaults are usually only available in fiberglass or a plastic type container. The other reason I would like to see this resolution is some foreigners think that the only way to bury a body is to roll them up in sheets and burying them in the ground. I don’t think this is appropriate to do in our cemetery but it is up to the board. If you have any question’s I’ll try to answer them. I don’t know if you’re going to make a resolution tonight or think about it for a while, but I suggest that you don’t wait too long before someone comes in and buys a grave and says this is the way we want to be buried. And we don’t want to have to make a decision that day. This is the reason I brought this up now is so we can be ahead of the game. I don’t know if there is a law that affects this. Three or four years ago they passed a resolution that said you could not be buried in a polyethylene bag. We do have one person buried in one as this happened before we could

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catch it. If the resolution states that they can only be buried in a steel or concrete vault that would take care of this problem."

Bullard "The resolution of the polyethylene bag did not make it into the cemetery rules and it should have been added. The cemetery rules really govern everything, so we need to make sure that they are updated to not allow polyethylene bags. Do urns also need to go into a vault?"

Buell "I see no problem with burying ashes in an urn. We have put ashes down in a cardboard box. You can scatter ashes on the ground if you wish, there are no health regulations governing that. Most of our ashes come in a vault and if they came in a cardboard box so be it we bury it in the ground. I know people have come in here and scattered ashes on the ground, when no one is here. What can it hurt; it gets mixed up in the grass, dust to dust."

Panzarella "I appreciate you trying to get ahead and it gives us an opportunity to get an opinion from the prosecutor's office. I think we can turn around from the prosecutors and have a vote at the next meeting. I will ask them if there any legal impediments for above ground crypts and type of in ground vaults, steel, concrete or polyethylene. I will also ask if we can get an opinion if we can put bodies wrapped in sheets in the ground. Lastly I'll ask if there is anything that restricts urns. I think the answer we will get is the answer we always get, if the law does not forbid it we are allowed to do it. What the boards elects to do is the boards business but we are asking for the legal opinion so we aren't violating a law and exposing the township to legal liability. If you found out that something has to be done before the next meeting I want to make sure that you know that we can have an emergency meeting in one day and a special meeting in two days but there are public notifications that we have to do and we have to have two trustees and the fiscal officer there."

Buell "We had a lady that purchased a very nice mahogany box to put ashes in and she also bought a concrete vault that was supposed to be for a cremation urn and they brought it all to the cemetery and we tried to put the box in the concrete vault and it would not fit. So I don't want to get into having to have a vault for a cremation."

Panzarella "What I said was burial of an urn."

Bullard "The spring foundation pours is that coming along okay?"

Buell "Yes, that will be around the 20th of May. We have a very usual foundation to set. A normal foundation for a head stone is only 7 feet long and 18 inches wide but we have a family requesting that their foundation be 12 feet long and 2 feet wide which is the maximum we can put it so this will look a little different. I will give them a place to set an urn and the mower will be able to mow around it."

Panzarella "Since we are talking about mowing and the chief is here, we have asked Stewcare to take care of the cattails that are growing by the firehouse."

FIRE DEPARTMENT:

RESOLUTION

11-04-12

APPROVE \$22,260.00 FOR DEL-CO WATER CO INC FOR PURCHASE AND INSTALLATION OF 7 FIRE HYDRANTS

Motion: Bullard

Second: Panzarella

Discussion: Bullard indicated that the location of the hydrants would be 4059 SR 37 East, 141 Plunkett Rd, 291 Plunkett Rd, Corner of Plunkett & Baker Rds, Corner of Curve & Winding Creek, Corner of Roseland Dr & S. 3B's & K and Corner of Conner Lane & Columbus Pike. Panzarella asked the chief if these were all the feasible locations to his knowledge at this time or are there more? Chief indicated that these are for 2011 and that there would be more and that they are trying to put the hydrants in areas that will benefit the most due to population. Bullard stated that all hydrants purchased for 2010 are all in and it adds to our fire prevention by allowing the fire department to have a water supply available to them. Chief stated that it also lowers resident's insurance premiums.

Vote: Panzarella yes and Bullard yes

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Bullard stated that on May 5, 6 & 7 the fire department would be participating with Orange Fire Department on training where they would be burning down a house on Lewis Center Road. Chief indicated that this training had been cancelled and would not be rescheduled as they were not going to participate in it.

Bullard "We received a report from the Berlin Township Fire Department to replace the Durango with a utility vehicle that has more uses than the Durango had. The recommendation is to purchase an F-350XL extended cab, with an 8 foot bed, 4 wheel drive, and trailer hitch and gasoline engine. The options are emergency lighting package, snow plow prep, 8' snow plow with cab controls, sprayed bed liner and cab steps."

Panzarella "I appreciate you getting the requirements to us but the Durango did not perform all of these items and I was wondering if the Durango was ever required to perform these functions and which ones where they and if they didn't what was the impact of it not performing them. This only came about when the Durango had a problem. Either it is a need that was not identified or it is an improvement to the vehicle fleet."

Chief "I think that's more the case."

Panzarella "One item identified as a need was used to plow snow around the station and if purchased now it was cheaper than if we buy it later, \$2,000 versus \$5,000. We have other people that plow snow but we only have a certain limited number of people trained to fight fires. I don't want it to affect your mission. There was something about using it to pull the county gator and I want to clear up that is something we can do but is not a requirement that we do it."

Chief "It is not a requirement but when needed in the case of an emergency."

Panzarella "It's nice to work together; I just wanted to make sure it was not a requirement."

Ron Ford asked if it was replacing the Durango and Panzarella stated that the cost to fix the Durango was fairly high and it was inoperable.

Bullard explained that there was anti-freeze in the oil and the particular engine that is in the Durango is very susceptible to engine crack that causes this condition. The Durango has 150,000 plus miles on it with about 50,000 idle miles on it in its earlier life. The cost to repair it just didn't make any sense. It is parked right now with no plans to use it so we are without a utility vehicle.

Panzarella "It was also stated that the vehicle could also be used to carry equipment for grass 391 skid unit, does this give you back up capability for grass 391?"

Chief "Correct, should the present grass truck have a problem we can pull the skid off and remount it in the 350."

Panzarella "There are all important points and I appreciate you bringing them up as it give me more opportunity to understand what your will use it for. You will then remove the 800 mh radios and use them in the new vehicle to save some money."

Chief "I would like to if it will fit. It's a different radio than what's in the Durango as it has a separate power unit that mounts in the back. We would definitely like to get it installed if not it's about \$2,800."

Panzarella "Then let me make a suggestion, there's also a third role for this vehicle and that is a back up to the command vehicle and I image this radio package is not as good as the radio package that is in the command vehicle. My suggestion would be if you don't know it's going to fit and you don't know it's compatible with the new vehicle than I would price the radios with the functionality that you want as well as a backup for the chief's vehicle should something happen to it. So when we pass the resolution we are buying a system that meets the requirements. So you don't want dual wheels because of the flotation?"

Chief "They are not good for soft field work."

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Panzarella "I know they recommended that we auction it off but I would ask the Ford dealer what the trade in value would be."

Bullard "I some questions, you talked about a step and when you put a step on a truck you have to have a grab handle. I think it's an OSHA requirement. I also question the snow plow for plowing the parking lot at the fire station."

Chief "There is a grab handle in the cab and the decision about the snow plow was if a year or so from now the road department moved out of the bay then the John Deere tractor that we use may not be available. So this would be readily available if we had to go out at all hours."

Bullard "With the salt bin being there the trucks will always be going in and out so there should not be a problem plowing the parking lot."

Hall "We have had two instances where Greg and I were out plowing and a run came in during bad weather. The question came up as to whether we could take the township plow onto a resident's driveway to clear it for the medic. We didn't know the answer however we had to plow the streets for the medic to get to Grady. We both followed the medic to the city limits. Our thoughts were after we talked to Tri Township and BFT & G and when they buy new utility vehicles they buy them with plows for this very reason. If the board says we can take a township truck on private property in the case of an emergency can we do that?"

Bullard "That is something that the trustees need to talk about in an emergency situation we take township fire trucks on property. Let me be clear that this truck is not a line truck it would be a utility truck that would be off line unless it was replacing the grass truck and then it would be an online truck."

Hall "It would be an online truck if it was pulling the boat, it could take runs."

Bullard "It could do all that but it's primary purpose is to be a utility truck and if it's out doing something at the school and they need the boat it doesn't leave the school and come back and pull the boat."

Panzarella "It seems that if you had a vehicle like that you could unclear some of the fire vehicles in case they get stuck and during really bad weather when the plows are taking care of the roads which is their primary function, it would give you some ability to call in and take care of your primary mission which is to make sure your trucks are mobile, useable and capable of putting out fires. We need to wait until D'Amico is here to discuss this further since it is a significant amount of money."

ROADS:

Panzarella "I think there was something about salt. Did we authorize 100 tons of salt at the last meeting?"

Bullard "I believe we ordered all the salt when we did the last requisition which completed the salt purchase for 2010 and 2011."

Ron Ford "I ordered all that was in my budget which was 2370 tons, and I think Brodi told me that you had authorized him to purchase another 1 or 200 tons."

Bullard "Yes, what we said we wanted to do was fill the bin with this year's purchase since we had some tons left on our 2010-2011 purchase and we wanted to take advantage of the salt. We were looking at blowing in but Brodi feels he can still get 100 tons in there."

Ron ford "With gas prices going up salt is going to go up."

Bullard "What scares me the most is the state is waiting till August to purchase salt and I have worked with Southwest Ohio purchasing group and ODOT the early you purchase the better off you are. By waiting you could get to the end of the salt bidding season and end u with no salt. I would advise the county to get all the salt they can which is what we are doing."

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Ron Ford "They are going to treat the state right, they are not going to bury the state on a late bid."

Bullard "We may 100 tons of salt left on our last year's bid, would the county want to use those tons?"

Ron Ford "What we have done in the past is, your salt estimate is yours and if you don't use it, it goes away. It doesn't affect us as I'm going to buy all that I can buy with the money I have."

Bullard "We have a requisition for crack sealing Courtland Dr, Sherman Lakes, Meadows of Cheshire, Harbor Point and Lackey Meadows, I would like to save this and bring up at the next meeting."

Panzarella "Do you know what the fire department is doing with the computers that they recently had replaced? I thought that they had three and one was very salvageable and not needed, one was needed and one was not salvageable. One would be a good computer for the road department."

Bullard "No I do not but I will check, as we need to replace the computer in the roads department."

TRUSTEE:

Panzarella stated that the ABITIBI pick up times have changed. We had neighbors complain that they were being awoken at 3:00 a.m. by the trucks. He contacted ABITIBI and was told that they pick up in industrial areas overnight. He advised them that there are houses behind the firehouse so they indicated that they would pick up at the end of the route which would be between 7:00 and 7:30 a.m. He notified the neighbors about the problem and the time changes.

Bullard stated that he received an email from Karen Kessler from ABITIBI requesting a meeting on May 2nd or May 3rd to talk about our ABITIBI contract. They want to look at some advertising and promotions due to the amount of recycling that we receive. He would be willing to be at the meeting and report back at the trustee next meeting.

Panzarella indicated that the parking area where the recycle bins are located has some ruts in it that are about 8 inches deep. He asked Bullard if he could take a look at it as it would be an expensive repair. Bullard said he would check with Larry Cooper at DKM to see what he could find out about it. That it looks like the driver is turning the wheels before he moves the truck.

Trees In The Right-Of-Way:

Robert Ford "I live at 1361 Dale Ford Road and I have trees that are in the right-of-way and I have been in contact with D'Amico about it. I have a tree that is one the border of my property and Mark Buckingham's property. It is a huge ash tree and the bark is coming off and you can see where the emerald ash borer has been. I have a smaller ash tree on the south side of my driveway. They are right next to the ditch and there should be very little doubt that they are in the township right-of-way. I talked to Brodi about it today and he was unsure of where the center of the road was and unsure of the right-of-way situation. He had three figures in his head; one was 50 feet which would surely cover this tree. This tree is in the ditch line."

Bullard "On the roads tour a couple weeks ago we identified some trees on your lot and some other trees south on Dale Ford and some on Curve Road that had problems. We asked the question about right-of-way. We discussed at the corner of Curve and Roloson, which has a 60 foot right-of-way, where the pavement is actually on the home owner's property and therefore some of the ditch is not township right-of-way. We had the surveyor come out and stake it for us. So we had the question about Dale Ford Road and Mike Ridge spent a lot of time trying to figure out where the right-of-way was. The best record that we have is that it is a 50 foot right-of-way for both sides. If the road is in the center it could be 25 feet on either side of the road. According to the Road Right-of-Way book volume 1 page 136, in January 1820 this road was assigned a 50 foot right-of-way width. This road was

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known as Curve Road. Curve road going east from Dale Ford in 1820 was called Big Run Road which went from Dale Ford to the east."

Panzarella "This is all now public record and if you would like a copy we can provide that to you but the real question is what do we do moving forward. How far from the road center line, where it presently, is are the trees"

Ron Ford "They are in the ditch, 17 feet to the face of the tree."

Panzarella "We can spend the money to have it surveyed or we can get estimates to remove the trees which are within 17 feet of the center line of the road."

Bullard "I believe Brodi was getting estimates from Adam's Tree care today to have the tree cut down. Normally they leave the firewood if the homeowner wants it and take s the branches."

Robert Ford "I have a place for the firewood on my dad's property, if they want to haul it there it would be a short distance, like 1/2 mile to 3/4 of a mile."

Ron Ford "Or if they cut it into small enough lengths we could take care it but if they cut it into 6 foot chunks then they are going to have to load it."

Panzarella "What would a reasonable length be?"

Ron Ford "Some of those rounds one are so big I don't think of us could put our hands around it and touch. They would need to be 20 to 24 inch rounds and no more than 6 foot in length."

Bullard "Most of the time the cost for removing the tree is less if they take the tree away as they sell it for firewood. In this particular case it would be the homeowners if you want it and if you don't we need to take a look at the quote and see if it is less to remove the tree than keeping it."

Robert Ford "When I talked to Adams Tree he said if he has to haul it, he's keeping it. So he leaves it for us or he takes it, he's not taking it anywhere else. That's fine with me, I'm just happy to see the tree go and not be a hazard."

Panzarella "So you think the price is for taking the tree down and hauling it away is the same for taking it down and leaving it there?"

Robert Ford "I made a clear point to both Brodi and the guy from Adam's Tree Service that I don't want them to do anything that is going to cost you any more money than what you're contracted to do. So if hauling it to my place was going to cost more money I'm not in favor of that."

Panzarella "If the estimate is over \$750 we need to get three estimates."

Bullard "For road projects we said we didn't need three estimates. We can but \$750 is not the limit, at least not what we put in place last year."

Panzarella "That was for road work so I didn't know that also included tree removal. It said road and ditch work which I interpreted that to be road repair and ditch recontouring but not brush and trees. The safest thing to do is to get another estimate. I would be happy to get another estimate since Tom is not here."

Robert Ford "I suggest that you call James Tree Co, I think you have used them before and I hired them to cut some trees off my property."

Panzarella "I will add them to my list and call the Westerville Tree Co that does Westerville's trees, as they are properly bonded and insured."

Robert Ford "When I talked to Brodi he was considering having the stump ground down and I questioned that because there is going to be wire in the tree and I suggest you cut it high. The reason he wanted to grind it down was because he was thinking about a multipurpose thing of cutting the tree and also in the future excavating the ditch on that side of the road."

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I pointed out that there is no water on the east side; it's all on the west side. In my opinion you don't need to grind the stump down just cut it high."

Ron Ford "You do have a tree service in Berlin Township so if you use them than the money stays in the township."

Bullard "We have called Fisher's Tree Service before and we don't always get a response."

Panzarella "I just want to get multiple quotes as it's better to get multiple quotes. I will turn this over to the roads trustee. I don't see any benefit to having a survey done since the tree is so close to the road. And we did get an opinion from the county engineer and we can easily measure 17 feet from the center of the road and it would be obvious so why spend the money on surveyors. I just want to make sure that there is no doubt that the tree is in the right-of-way and that we don't go outside of the right-of-way as the legal opinion said if we go outside of the right-of-way you have to have a signed agreement with the owner. If the trees are in the right-of-way it is a liability to the township."

Robert Ford "A big red X was put on this ash tree and another one down the road but they did not put one on the small ash tree south of my driveway which is leaning over. It would not be in the category of major problem but if it falls down it is a problem. And it has bark coming off too showing the emerald ash borer canals. It is the same thing as the big ash and is right on the edge so it also would be in the right-of-way. I would like to have it cut down too."

Bullard "We identified some trees but not all of them at our roads meeting. We decided we needed to develop a tree removal policy as the last one on our books was dated September 4, 1996 which stated "Any time the Township Road Supervisor deems any right-of-way planting to be a hazard, he shall immediately notify the property owner and suggest ways of eliminating the hazard. It is the duty of the property owner and/or tenant to maintain any planting within the right-of-way. If the right-of-way hazard is not removed or corrected within forty eight hours, the road Supervisor shall act appropriately to remove or correct the hazard. All removal and/or correction costs shall be the responsibility of the property owner. This was done with a majority vote of the Township Trustees Robert Ford, Patrick D Paykoff and John W. Graham and I have not seen anything since that updates that. So what it says is that the property owner is the one that is responsible for the cost of removing the tree. "

Robert Ford "You used the word plantings. I don't know how that would affect something that was already planted, as I did not plant those trees."

Bullard "It doesn't matter whether you planted them or not."

Panzarella "We have a legal opinion that says that the hazard is our problem if we have a hazard in the right-of-way. Just because the former board did something that does not give us the lee way to not take out hazards that are in the right-of-way because it is a legal liability of the township and we discussed former boards can make judgments' and those judgments' can be revisited by other boards. Since seeing the legal opinion I think we are putting the township at risk if we don't remove those items. The question is when we have to remove them and what level of danger each individual item poses. We will bring this up at the next meeting when all three trustees will be here."

ZONING DEPARTMENT:

Panzarella received the zoning report and it looks like things are picking up in the building department.

Bullard stated that at the last BZC meeting they discussed the entry way signs to subdivisions and discussed whether those were signs and the indication he got was that they were signs and that they were going to determine whether it's one sign that fits into 4 or 5 different locations or whether it's just one sign for the whole subdivision.

Panzarella stated that the solution to the problem was not an instant solution. We need to look at not all subdivisions as most of them except the FR1's, with no PRD overlay, go through our zoning commission. All other subdivisions do including the ones with FR1 and PRD overlay. The proposed subdivision north on Africa Rd which is an FR1 subdivision with a PRD overlay however the question was does the PRD overlay include curb and gutters with

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no plantings between the curb and sidewalk. This one does not, it could be an open ditch subdivision. So here we go again and with open ditch subdivisions you don't have the driveway facing the street and having a buffer area and all the things we run into in these FR1 subdivision that look nice but because they are not specifically made to county standards when you go to repave the roads you have problems with pavers right up to the face of the road and you'll have to put a layer of blacktop over them or remove them. We need to be careful when we have PRD overlays in these subdivisions that they conform to the same standards and take care of things like driveways, sidewalks and mailboxes.

FUTURE MEETINGS:

5/4/2011 9-1-1 Board Meeting Panzarella attending

LATE ITEMS:

No late items

RESOLUTION

11-04-11

MOTION TO ADJOURN

Motion: Bullard
Second: Panzarella
Vote: Bullard yes and Panzarella yes

Meeting adjourned by Chairman Panzarella at 8:27 p.m.

Philip P. Panzarella, Trustee

ATTEST:

ABSENT
Thomas A. D'Amico, Trustee

Claudia Smith,
Fiscal Officer

Ronald W. Bullard, Trustee