

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

May 9, 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 Chief Bechstein

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

ATTENDANCE: Chief Bechstein, Larry Buell, Chris Rinehart

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

Approval of Minutes:

**RESOLUTION
11-05-01**

**APPROVE THE 04/9/2011 SPECIAL ROADS MEETING
MINUTES AND DISPENSE WITH THE READING**

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

**RESOLUTION
11-05-02**

**APPROVE THE 04/25/2011 REGULAR MEETING MINUTES
AND DISPENSE WITH THE READING**

Motion: Bullard
Second: Panzarella
Vote: D'Amico abstain, Panzarella yes and Bullard yes

FISCAL OFFICE:

Bank Statement - Trustees signed the balanced April bank statement.

Flowers-

Smith stated that she was asked if we wanted to purchase flowers for the flower beds and Bullard stated that we normally appropriate \$300 for that.

**RESOLUTION
11-05-03**

**APPROVE \$300.00 TO PURCHASE FLOWERS FOR THE
TOWNSHIP HALL AT 3271 CHESHIRE RD**

Motion: Bullard
Second: D'Amico
Discussion: Panzarella asked if someone was going to plant them and Smith indicated she thought Judy Shumway would.
Vote: Panzarella yes, Bullard yes and D'Amico yes

Smith also stated that she received a call from the insurance company that stated they were sending us a check for the generator repairs minus the \$500.00 deductible.

CEMETERY:

Panzarella stated that he sent an email on April 27th to the Mr. Betts and received a response back this morning stating that he did not have it completed. He asked of the two items he was working on for us which one was a priority. Panzarella told him the cemetery item was. Panzarella hoped to have an answer by the next meeting unless we needed an answer before that we could have a special meeting. Buell indicated that we should not need to have a special meeting and had hoped to have an answer tonight. Buell also stated that he hoped to pour foundations next week. Bullard stated that he advised Irwin that we could make purchases at Lowe's and Irwin stated that he would be purchasing the lumber for the foundation forms. Panzarella asked Buell if he knew anything about the Ohio

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Cemetery Foundation as he received an invitation to join. Buell said he did not but he would take a look at it.

FIRE DEPARTMENT:

**RESOLUTION
11-05-04**

**APPROVE \$282.99 TO JAX WAX DISTRIBUTION
SYSTEMS, LLC FOR VEHICLE MAINTENANCE SUPPLIES**

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

**RESOLUTION
11-05-05**

**APPROVE \$930.00 TO FIRE SAFETY SERVICE INC TO
REPLENISH FIRE FIGHTING FOAM SUPPLY**

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

**RESOLUTION
11-05-06**

**APPROVE \$44,380.46 TO VALLEY FORD FOR 2011 FORD
350 PICKUP**

Motion: Bullard
Second:
Discussion: D'Amico asked if we needed to have a second to have a discussion.
Panzarella stated that the motion would die if there is no second.
Vote:

MOTION DIED

Bullard "We have a requisition for the purchase of a new Ford 350 to replace the Durango. The fire chief, the assistant chief and the lieutenants discussed the needs and this is what they put together to meet these needs. There are a couples items that need to be discussed; one being that there is a snowplow package, which was discussed at the last meeting. The snowplow would make it possible to clean out a driveway in an emergency situation and rely on the maintenance crew to do it. It also has all terrain tires and aluminum wheels which makes the wheels maintenance free."

Panzarella "We talked about the truck and why certain things were being discussed so do you have a recommendation for us?"

Bullard asked the chief if he had anything else that he would like to add.

Chief "I think we have everything here that we will purchase from Valley Ford with exception to discussion of the snowplow. Whether or not we choose to buy one, it certainly would be covered by the \$44,000. It would be up to the board whether they want to purchase it. Everything else from Valley Ford is listed."

Panzarella "The only question I have is if we equip the truck to accept and buy the blade are there any restrictions on us in an emergency situation to go onto personal property?"

Bullard "I think this would fall in the same category as if the door is locked you take a pick ax to it and take the door down. They are called to come to a house or a business to perform an emergency situation."

Panzarella "I agree."

D'Amico "What about a possible trade-in on the old vehicle?"

Chief "They did not appear to be interested."

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D'Amico "I see three dealerships listed here, did we get quotes from all three of them?"

Chief "No the way it works is, this particular vehicle is only state bid by Valley Ford. If you notice State Wide Ford they do not bid the Ford 350 and that's where we got the Expedition from."

Bullard "It's the same thing we rain into with the dump truck which was purchased through Valley Ford. "

Panzarella "What is the plan to get rid of the excess vehicle?"

Chief "One of the lieutenants had an idea to put some type of sealant in the radiator to temporary block the entry into the cylinder to maybe be able to drive it a some more. I told him I was not going to do this, which it was up to the board to decide if this was something they wanted to try to make some use of it till the new vehicle comes in."

Panzarella "I understand that you don't want to use it as an emergency vehicle, but what are we going to do with the extra vehicle?"

Bullard "I suggest that we take pictures of it and put it on the government auction site, which you can look at on the county website. We would list it as is, where is. I will work with the chief to put it together. I would like to have an agreement from the board to try some barge leak or something similar as a radiator plug just to see if it would help the situation any for the short time basis until the vehicle is replaced."

RESOLUTION

11-05-07

APPROVE \$44,380.46 TO VALLEY FORD FOR 2011 FORD 350 PICKUP

Motion: Bullard
Second: D'Amico

Discussion: Panzarella stated that this is more than a replacement vehicle; this vehicle is configured with much more capability than the Durango had. Bullard stated that it provides a tow vehicle for the boats; it could also replace the grass truck if necessary. Panzarella asked the chief if it would take the skid package off the grass truck and the chief said it would.

Vote: Panzarella yes, Bullard yes and D'Amico yes

RESOLUTION

11-05-08

APPROVE \$1,098.00 TO COLUMBUS SIGNWORKS FOR COMPLETE GRAPHICS APPLICATION FOR UTILITY 391, FORD 350 PICKUP

Motion: Bullard
Second: D'Amico

Vote: D'Amico yes, Panzarella yes and Bullard yes

RESOLUTION

11-05-09

APPROVE \$3,884.16 TO MOTOROLA FOR MOTOROLA XTL 2500 MOBILE RADIO AND HARDWARD FOR 2011 FORD 350 PICKUP

Motion: Bullard
Second: D'Amico

Discussion: Panzarella asked if the radios in the Durango were compatible with the Ford and the chief stated that it was a very different system and not compatible with the new vehicle. Panzarella stated that we had a scrap value for the Durango and asked if we had a scrap value for the radio set and the light set. Chief stated that the radio was owned by the county and would have to go back to them and the lights had no value to the fire department. Panzarella stated that when the vehicle is auctioned as is, where is, then it would not have a radio in it but it would have lights on it. Bullard said they had not determined that yet until they take a look at it.

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Vote: Bullard yes, D'Amico yes and Panzarella yes

**RESOLUTION
11-05-10**

**APPROVE \$200.40 TO B & C COMMUNICATIONS FOR
INSTALLATION OF MOTOROLA MOBILE RADIO IN 2011
FORD 350 PICKUP**

Motion: Bullard
Second: D'Amico
Discussion: Panzarella stated that the radio would be programmed by the county.
Vote: Panzarella yes, Bullard yes and D'Amico yes

Bullard "Something that I just received in my mailbox is a settlement agreement and release for a hazardous material situation that occurred at Flying J. The Berlin Fire Department participated along with a dozen out departments and the county has negotiated a settlement agreement with the trucking company and the insurance company. This needs to be signed and approved but I'm just giving you a heads up that it needs to be reviewed by each of us. There is a indemnification paragraph that concerns me as it waives all rights to any claims in the future."

Panzarella "Has the county submitted that for legal review to the county prosecutor?"

Bullard "The county prosecutor is that one that sent it to us I believe. It was signed by Carol O'Brien who is the Delaware County Prosecutor and Chris Betts."

Panzarella "Okay, I just wanted to make sure it was legally reviewed and is there any time limit on how long we have to accept it?"

Bullard "From what I see they want something back quick, but I think we need to read it before we sign it."

Panzarella "I think we should read it tonight before we leave this meeting so we can at least say we all read it and understood it."

ROADS:

**RESOLUTION
11-05-11**

**APPROVE \$5,388.00 TO TRIPLE H ENTERPRISES FOR
CRACKSEAL OF TOWNSHIP ROADS**

Motion: D'Amico
Second: Bullard
Discussion: D'Amico stated that the roads are Courtland Dr, Sherman Lakes, Meadows of Cheshire, Harbor Point and Lackey Meadows.
Vote: D'Amico yes, Panzarella yes and Bullard yes

TRUSTEE ITEMS:

Berlin TWP Ordinance for Dog Lease Law-

Bullard "I talked to a resident from the Meadows of Cheshire who indicated the homeowners association was considering putting a dog lease law in effect. The homeowners would be the ones that would have to live with it. They asked if the township had a township lease law or if the county had one. I indicated that the county did not have one and neither did the township. But I did advise her to talk to the dog warden if she wanted specific information on it. The homeowners association is trying to say that residents should not allow their dogs to run free in the green space, that they should be on a leash. There was no request from the resident that we do anything, she was just trying to get information."

D'Amico "I think maybe over and above township and county maybe they should check with the state."

Bullard "There are state laws but they deal with specific breeds not related to the ones in the homeowner's association."

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Panzarella "I believe Ohio law says the dog has to be under your control, it does not say it has to be on a leash."

D'Amico "I guess if they want to do something within their subdivision they can but I'm not going to tell them we can do anything for them."

Bullard "The subdivision is doing it and the sheriff would not be involved."

ZONING DEPARTMENT:

Panzarella stated that he received a letter from Rick Sedlacek that stated "Dear Rick, As we discussed today on the phone, I regret, that I will have to give up my position on the Zoning Commission effective immediately due to the increased time restraints places on me by my professional obligations and my family life. Thank you for allowing me to participate in the Zoning Commission dealings over the past two years. I have learned so much and appreciated the necessity and utility of our Township government as well as the superior job that those on our Commission provide. Sincerely, Rae A. Kerlin." "I talked to Rick and told him I would bring it up at the meeting and I think the board can accept the resignation effective immediately. Do you wish to accept the resignation from Rae Kerlin who has served admirably on the board for the past two years."

RESOLUTION

11-05-12

**ACCEPT RESIGNATION OF RAE KERLIN EFFECTIVE
5/9/2011**

Motion: Panzarella

Second: Bullard

Discussion: Panzarella stated that she has done a great job especially during the revision of the Comprehensive Land Use Plan.

Vote: Bullard yes, D'Amico yes and Panzarella yes

Bullard asked if Panzarella had a recommendation for replacement and Panzarella said he did not at this time, but we do have two alternate members so the board can continue on. He would like to know what the Berlin Zoning Commission does at their meeting tomorrow night as they can discuss whether we should advertise for more people. We do have two long term members and there is training involved. He stated that he would check with the Zoning Commission and come to the board at the next meeting. He also suggested that we send Rae a thank you letter of appreciate for her services. Bullard stated that Cathy can do a certificate.

Panzarella "I have noticed that the zoning inspector has to pull signs in the right-of-way and some of the places are busy so I will be asking the board to approve proper vests that are higher visible."

D'Amico "I think we should also think about an amber flashing light to be placed on top of his vehicle."

Panzarella will put together a safety package for the next meeting.

FUTURE MEETINGS:

???????? DKM

5/26 Big Walnut/Alum Creek Watershed

LATE ITEMS:

Panzarella "On May 16th the commissioners will be awarding the contract for the road program for Delaware County and I will go to this meeting and come back with the information about what company received the contract and when the pre construction meeting will be."

Bullard asked if we were going to do anything about the Jake Brake issue. Panzarella stated that we received our answer from the prosecutor's office that stated we could post the signs but we would have to get the signs. Bullard stated that he drove through Scioto Township and saw that they had signs up and we could ask them if it was sense for us to do it. Panzarella will check with Sandy.

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Bullard said that the Healthy Ohio Fitness Walk was May 18th and suggested that Cathy put it on our website. He also stated that clean-up day was very successful and that he had a discussion with one of the truck drivers who stated that Genoa township had the containers available all week long and that we filled more containers than they did in the four hours that we had it. Panzarella agreed that the way we do it is more efficient and we get a lot of positive comments.

**RESOLUTION
11-05-13**

**RECESS TO EXECUTIVE SESSION FOR
CONFERENCE WITH OUR ATTORNEY ON A LEGAL
MATTER- THREE TRUSTEES AND THE FISCAL
OFFICER TO ATTEND - 7:50 P.M.**

Motion: Panzarella
Second: Bullard
Discussion: Panzarella invited attorney Chris Rinehart to attend.
Vote: Panzarella yes, Bullard yes and D'Amico yes

**RESOLUTION
11-05-14**

**RECONVENE TO REGULAR SESSION-8:23
P.M.**

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

Panzarella announced that no decisions were made and no actions were taken.

D'Amico asked what we were doing with trees in the right-of-way.

Panzarella "We received a legal opinion that said we could remove trees in the right-of-way but the question at the last meeting was whether or not we need more than one estimate. We have a meeting agenda policy where we have stipulated that after the purchase of \$1,000 that there was an exception that purchases over \$10,000 for road construction, road repairs and ditch projects, the question is what is the definition of ditch project which is not defined? The county engineer's definition is drainage projects so do we want to change the definition?"

D'Amico "So what we are trying to do is get prices on specific trees and what are we going to do about stumping them."

Panzarella "We talked at the last meeting about stumping the trees. The resident said that the trees we discussed were in the fence line and there was wire there so we should cut the tree high and then leave. Three specific locations were discussed and I think they said some of the trees were very large so it could cost \$1,000 to \$2,000 a tree and we had three trees to remove. So we decided to figure out how many dangerous trees there were and then get estimates to take care of all of them. Tom I think you should read the minutes from the meeting so you know what was discussed."

Bullard "If we want to get individual tree estimates as a lot of the trees have fallen in the \$3,000 to \$4,000 range. I think if we have a tree that takes \$2,000 to \$3,000 to get out we probably need a couple people to look at it as it could vary quite a bit. The homeowner may or may not want the wood and I know if they don't want it the tree service takes it and sells it for firewood and then their estimate is lower because they know they'll make money off of it. Ron Ford stated that the county uses Fisher's Tree Service for all the county tree cutting. We have had difficulty getting estimates from them. We would like to get rid of some of these trees. The other comment was made that everyone likes the trees when they are green and have leaves on them but when they die and they are brown they want the township to take them down. There are no restrictions regarding trees affected by the emerald ash borer."

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**RESOLUTION
11-05-15**

MOTION TO ADJOURN

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

Meeting adjourned by Chairman Panzarella at 8:32 p.m.

Philip P. Panzarella, Trustee

ATTEST:

Thomas A. D'Amico, Trustee

Claudia Smith,
Fiscal Officer

Ronald W. Bullard, Trustee