

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

July 11,

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 Joe Korleski

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

ATTENDANCE: Chief Bechstein, Mary Bechstein, Chris Paykoff, Toni & Joe Korleski and Eldon Johnston

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 at the meeting. He asked if anyone wished to make a public comment.

Johnston asked if there were any questions regarding the contract with Shelly & Sands for the road resurfacing. None of the trustees had any so he stated that Dan Jennings, Chief Inspector with ODOT, was working with Jerry Ungesheck. He also asked if there was any feedback on the culvert repair on Peachblow since water was an issue. Korleski said it looked okay. Panzarella stated that we had reports from Berkshire Township of water standing on 3 B’s & K at the north driveway to the school. He said he looked at it and the driveway is slightly higher than the road and water stands there for awhile and asked Johnston to have someone look at it. Eldon asked if the township was doing any resurfacing in that area and Panzarella said we were chip & sealing south of this area. Bullard said that Irwin has talked to Andy Kerr of Olentangy Schools and they agreed that the road was built incorrectly and that Kerr was going to show it to Shelly & Sands.

Johnston also asked if anything had been started on the Dutcher Scott ditch. Bullard said the commissioners had it on their agenda but no construction had been started. Panzarella asked D’Amico to check with Scott Stevens at Soil & Water.

Bullard stated that there were 100 plus residents that would complain about the lack of a light at Peachblow and 23. People in the area use Cheshire Rd or Shanahan Rd rather than Peachblow due to it being a dangerous intersection. Johnston said that was between ODOT and the city but he would pass the information on. Panzarella stated that the preliminary design showed that there should be some type of traffic control there but ODOT said there was not enough traffic.

Approval of Minutes:

**RESOLUTION
11-07-01**

**APPROVE THE 06/6/2011 SPECIAL MEETING MINUTES
AND DISPENSE WITH THE READING**

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

**RESOLUTION
11-07-02**

**APPROVE THE 6/13/2011 REGULAR MEETING MINUTES
AND DISPENSE WITH THE READING**

Motion: Bullard
Second: D’Amico
Discussion: Panzarella questioned a statement that D’Amico made at the June 13th meeting regarding a board discussion that Armstrong was to spend 25% of his time doing surveys. He was not sure when the original statement was made but thinks it must have been made after the zoning hours were reduced. He asked if anyone knew the date this was discussed as he could not find any reference to it and Armstrong could not remember. Bullard did not remember. He stated that they had questions regarding surveys and

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mileage and they could discuss them now or discuss it under zoning items. Bullard preferred to discuss it later as we are approving minutes at this time.

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

7:15 P.M. 2012 BUDGET HEARING

Panzarella stated that the 2012 budget had been on display and asked if anyone had any comments regarding it. Joe Korleski stated that they elected the trustees to look at the budget and did not have a problem with what they say. Panzarella stated that we were making significant investments in certain areas and there had been a reduction in the general fund. Bullard asked what the Transfer Out of \$300,000 under fund 1000-910-910-000 was for as it was a large amount. Smith said she was not sure but she would check with Shumway. Bullard stated that the State Budget that just came out had a provision that would permit pay of a township fiscal officer to come from funds other than the general fund depending upon the work performed.

**RESOLUTION
11-07-03**

**APPROVE 2012 BUDGET AS PRESENTED AND TO BE
SUBMITTED TO PROPER AUTHORITIES AND PROPER
CHANNELS**

GENERAL FUND	\$2,698,721.00
MOTOR VEHICLE LICENSE TAX FUND	\$ 13,135.00
GASOLINE TAX FUND	\$ 98,396.00
CEMETERY FUND	\$ 107,411.00
FIRE DISTRICT FUND	\$1,036,765.00
MOTOR VEHICLE PERMISSIVE TAX FUND	\$ 101,545.00
ZONING FUND	\$ 90,665.00
CAPITAL PROJECT - FIRE TRUCK	\$ 395,000.00
CAPITAL PROJECT - PARKS	\$ 2,255.88
NOTE PAYABLE - HOLLENBACK ROAD	\$ 32,244.30
NOTE PAYABLE- PIATT ROAD	\$ 16,027.20
TOTAL	\$4,592,165.38

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

2011 BUDGET HEARING CONCLUDED AT 7:19 P.M.

FISCAL OFFICE:

Bank statement for June 2011 was signed

Smith submitted a revised timesheet for the zoning and roads departments and asked if it was acceptable. She stated that she would still need the roads department to submit the form that indicates how many hours worked in each different department. D’Amico stated that he liked the added certification statement. Panzarella said the fire department also has a functionally equivalent certification where they log in and out and the chief certifies their time. Bullard stated that he liked the idea of timesheets. Panzarella said the board asked Smith to distribute them to the employees.

Smith stated that the chief gave her an application for Byers Ford and told her that we would need to establish an account with them if we wanted them to do warranty work on the Ford Expedition.

**RESOLUTION
11-07-04**

**APPROVE ESTABLISHING AN ACCOUNT WITH BYERS
FORD FOR THE PURPOSE OF WARRANTY AND
MAINTENANCE SERVICE ON FORD VEHICLES**

Motion: Bullard

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

Smith asked if the trustees could talk to fire and road department employees to write legibly and with a pen that writes, when they complete the fuel usage sheet as she is not able to read it. Bullard asked the Chief and D’Amico to talk to the employees and make sure that they write so that it can be read. Panzarella said they would monitor it. Paykoff said there was a meter that could be read at the beginning and end of the month that would give you a total used for the month although it would not break it down by department.

RESOLUTION 11-07-05 APPROVE PARTICIPATION IN OHIO BUREAU OF WORKERS COMPENSTATION PROVIDED BY FRANK GATES

Motion: Bullard
Second: Panzarella
Discussion: Panzarella said he was told that we received a lower rate due to the fact that our loss percentage was lower than estimated, making our savings higher than last year.
Vote: Bullard yes, D’Amico yes and Panzarella yes

CEMETERY:
Deed Modification – Panzarella stated that in the legislative bill that was just passed there was an item regarding the cemetery and it was prompted by our inquiry to the county prosecutor and with the help of the Ohio Township Association it was placed on the legislative agenda at the last minute. Section 507.06 effective September 29, 2011 specifically permits townships to make and enforce all needful rules and regulations for burial interment, reinterment or disinterment. Panzarella will present Mr. Betts with a complete package of items received from Shumway including right-of-reentry, rules & regulations, above & below ground burials, entombment and foundation considerations and recommendations given by the cemetery sexton and Shumway. He will ask if any of it is restrictive due to the legislation that was passed and if it is not he will ask for language to establish it. He was also going to discuss with him the resolution that was passed by the board. Bullard stated that we have a lot of vacant graves but Shumway indicated that we do not have access to a lot of them per State Law and he wanted to know how many graves we actually have available for sale and stated we may need more property for the cemetery. Panzarella said we will have a better understanding of what we have after he discusses it with Mr. Betts. D’Amico said that Buell seemed satisfied with the trimming and that he would make sure that they keep a good schedule of trimming trees.

FIRE DEPTATMENT: Requisitions:

RESOLUTION 11-07-06 APPROVE \$2,054.40 TO FIRE SAFETY SERVICES OF OHIO FOR REPLACEMENT OF FIRE EXTINGUISHERS

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

Bullard wanted to give recognition to the fire department for providing water service to a large house fire in Liberty Township. He also stated that the Chief was working on a project, The Tanker Task Force, to look at water availability for fighting fires and where the water comes from as it is not always obvious. He also noted that a raccoon did sever damage to the fire station and they stopped trying to figure out what the damages were. The Chief thought we should contact the insurance company to see if it was covered under our policy as it could cost allot. The county group was meeting at the township hall since the training room could not be used. D’Amico asked if the raccoon had been caught and Bullard said one had been but they are not sure if there are more. Bullard asked Chief to work with Smith on checking with the insurance company.

Panzarella stated that we were holding the old transfer switch in the roads office waiting for the claim to be settled which has now been done and asked D’Amico to get rid of it. Going back to the Tanker Task Force Panzarella stated that we had a line in the budget that just passed for Capital Improvements for an addition tanker that accumulates money to buy

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another tanker truck and accumulates money to repair the tanker truck we have since it is getting old.

Bullard stated that they indicated on the news report that lack of water was a major problem fighting this fire. "Del-Co is a fine company for supplying domestic water but they do not supply water to fight fires. The system is not sized to supply fire hydrants. We are supplied with water from the water tank on Cheshire Road but it is small and certain time during the day the water supply is low. That's why we need a large Water Task Force and tankers to be able to get water to the locations."

Panzarella stated the reason the Chief had suggested the tanker was because our township is very rural and we are not always going to have the size and main pressures available to fight fires so we put special emphasis on picking up an additional tanker truck and redoing our existing truck. As our township grows we can't assume it's going to grown on water mains that are adequate. We need to keep accumulating enough money in the capital fund to buy the tanker in the year 2014 or 2015.

**Roads:
Requisitions:**

**RESOLUTION
11-07-07**

APPROVE \$1,993.77 TO PARROTT IMPLEMENT COMPANY FOR TIRES & LABOR TO THE 2002 INTERNATIONAL DUMP TRUCK

Motion: D'Amico
Second: Bullard
Discussion: Panzarella asked if they wanted the shipping to be 20% and not 10% as is listed on the requisition which is what we usually do. D'Amico said yes
Vote: D'Amico yes, Panzarella yes, and Bullard yes

**RESOLUTION
11-07-08**

APPROVE \$4,405.17 TO OSBURN ASSOCIATES INC FOR 2011 RETRO-REFLECTIVITY SIGN REPLACEMENT

Motion: D'Amico
Second: Bullard
Discussion: Panzarella asked if these signs were replacement school signs. D'Amico indicated that that was his understanding. Also note that the shipping was 20% not 10%.
Vote: Bullard yes, D'Amico yes, and Panzarella yes

Bullard stated that he talked to Irwin and he checked with the county to see if we could tag onto the county program and the county said that was not possible. He checked with several different vendors and these gave us the lowest price. He also said that Osborn said it was possible for us to purchase some peel off signs that adhere to good metal base but they come without a guarantee although we may be able to save some money on future signs. He felt we should purchase some to try out and see how they work. Panzarella asked D'Amico to come to the next meeting with some analysis and that he does not want to waste labor so it would be good to have a cost benefit analysis. D'Amico stated that the company should have some type of analysis.

**RESOLUTION
11-07-09**

APPROVE \$1,115.76 TO SAFETY SERVICES PRODUCTS INC FOR TEMPORARY SIGN STANDS AND TEMPORARY ROAD WORK SIGNS

Motion: D'Amico
Second: Bullard
Discussion: Panzarella stated shipping should be 20% not 10%.
Vote: Panzarella yes Bullard yes, and D'Amico yes

**RESOLUTION
11-07-10**

APPROVE \$938.58 TO THE DEXTER COMPANY FOR REPLACEMENT HYDRAULIC CYLINDER FOR MOWER

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Motion: D’Amico
Second: Panzarella
Discussion: Panzarella stated shipping should be 20% not 10%.
Vote: D’Amico yes, Panzarella yes and Bullard yes

Bullard said the requisition stated that this is a replacement cylinder arm for the mower as parts are very hard to find since the mower is outdated, at one point we looked at replacing the mower and it might be a good thing to do. Panzarella asked D’Amico how much a new mower would cost and D’Amico said the one Irwin was looking at was \$24,000. Bullard stated that it would need to be purchased now as the cost would go up to \$30,000 if not. Panzarella asked if this was in a capital project for 2012 budget and Bullard stated that it was in the five year plan.

**RESOLUTION
11-07-11**

APPROVE \$3,780.00 TO COMPLETE CLEARING INC FOR TREE REMOVAL AT CURVE AND DALE FORD ROADS

Motion: D’Amico
Second: Bullard
Discussion: D’Amico stated that Irwin researched a couple companies for quotes and a couple said they could not be competitive so they would not give us quotes and Complete Clearing was the lowest. Panzarella asked where the trees were located. D’Amico said on Dale Ford & Curve Roads. Bullard asked if Complete Clearing was a vendor we had used in the past. Smith said she did not recognize the name. Panzarella asked if they were licensed and bonded and D’Amico said they have been around for awhile so he thought they would be but he would have Irwin check. Bullard stated that since we were not getting together again for a month if there was a problem with Complete Clearing he would like to have a motion to use Adam’s Tree Service as these trees need to be removed.
Vote: Bullard yes, D’Amico yes, and Panzarella yes

**RESOLUTION
11-07-12**

APPROVE \$4,182 TO ADAM’S TREE CARE FOR TREE REMOVAL AT CURVE AND DALE FORD ROADS TO BE USED IF COMPLETE CLEARING IS NOT LICENSED AND BONDED

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

D’Amico said he received a call from Jerry Stein who has been doing mowing and he asked if he could start work at 7:00 a.m. instead of 8:00 a.m. since it is so hot during the day. Bullard had no problem with it and if he wanted to start at 6:00 a.m. he could and it was within the liaisons right to make the decision. Panzarella said we do not tell them what time to start plowing snow so why do we have to tell them what time to start doing road work especially with a tractor that does not have air conditioning.

Bullard stated he received a phone call from Rob Meyers from Berkshire Township wanting clarification about a discussion he had with Irwin about them taking care of signs in their township on the east side of 3 B’s & K from 37 to Plumb Road and we taking care of the signs on the west side. He did not know if that was a change in our agreement. Panzarella asked if they had seen the road agreement with Berkshire Township and asked what they suggested. Bullard said the prosecutor had indicated that we could work together and divide it any way that we wanted to. D’Amico said as long as it was fair and equal he did not have a problem with it. Bullard asked that someone get back with Rob. Panzarella said if D’Amico would call Rob, Panzarella would call Bob Carpenter the chairman. D’Amico stated that the flashing light had been installed.

TRUSTEE ITEMS:
Nothing

ZONING DEPARTMENT:

Panzarella “The answer to a question D’Amico asked about Armstrong not turning in mileage for reimbursement was that Armstrong elected not to be reimbursed. We had authorized him to but if he chooses not to we cannot force him to.” D’Amico said we also talked about

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a rule or a guideline about him doing inspections 25% of the time. Panzarella "I recall asking him to do it a couple times a month which I believe he was doing, but I looked at the monthly reports since January and in every monthly report that is a sheet called zoning violation and it looks like there have been 34 zoning violations resulting in 10 letters being sent. The question is whether or not he is putting enough time in and I talked to the zoning office as we authorized 25 hours to stay below 1500 hours a year which would result in 28.8 hours. There is an hour overlap when the zoning secretary and inspector are here and they don't need that every day so we could have one hour a week additional for him to go on the road. If he does that then between 12:00 and 1:00 he is out looking for violation instead of being in the office. That's 2 hours a pay period for both of them so they are not spending any more money and they are not using any more hours. Or we could pay for an additional hour which would give him 3 hours every two weeks to be on the road. That would give him three hours more that he is doing. It would only tie up an additional hour of pay for one person being Cathy because she would have to stay in the office while he is running around on the roads. I will meet with them tomorrow. We could see if we increase violations by putting more time out there.

D'Amico "So are you saying you don't want him to do any surveying of the township after Cathy leaves?"

Panzarella "I don't think we should because then we don't have anyone in the office. When we discussed 25 hours we discussed having people in the office. If we don't have the office open we may incur some risk."

D'Amico "I heard nameless complaints about violations in the township so I'm trying to pay more attention to what I see rather than what I hear. As I was coming to the meeting tonight I saw three signs that were questionable if not prohibited and I know one has been there for a long time and I don't know if he has done anything about it. I think the number one rule for the zoning inspector is enforcement of zoning resolutions and it seems we are doing more PR work then enforcement."

Panzarella "We are the board that cut the hours back, so I'm saying we start with three hours and see what happens."

Bullard "It's within the prevue of the liaison of the zoning department to redirect how we want the hours spent. We have a request from one of the trustees to increase the hours for surveying and as long as we stay within the 1500 hours we have the ability to do that."

Panzarella "I agree and that is why I gave you a plan to start with three hours, then go to four and then maybe five. If we go beyond five we have to look at other things. What is the reasonable expectation that you would go beyond five? The question is what did other people before Ray do, so I did some research and they were able to do five hours. So I started looking for a metric, the metric, is the letters that were sent out so I looked at those and once we cut the hours down there were less letters. Do we expect more letters since we have had revisions to the zoning code and I think it's having a net effect on the populous that is being trained? We'll start with three hours and see if they are increasing and then we can increase to four hours. If we exceed the 25.8 hours we will have to redirect the situation. We have authorized people go to the meetings because they are the only ones that have the background and if we restrict that ability then we have to ask is it more important for them to go to these meetings or for them to survey the township."

Smith asked why we have to add hours when they have 10 hours every two weeks that overlap and that was the time that she understood was when he was supposed to do zoning violations, so why would we give them two or three more hours?

Panzarella "That brings up another issue but the fact is realize what happens when ten hours now goes to eight hours. If there is no effect by going from ten to eight the logical question is maybe we should do ten to six, ten to four, ten to five or ten to zero. What I have been told is they need some time to overlap. The question is how much. We started this in May 2010 and that is how we set it up. We have a problem and now we are trying to shrink the overlap. I'm shrinking it from ten to eight and we will see what happens and then I asked for one additional hour because I'm allowed to have it as Bullard stated as I'm allowed to give them 28.8 and we'll see what that does. Maybe the next step will be to shrink another hour or add another hour. I also asked if the 25% were in the job

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description as I did not recall it being there and what I was told is that they don't have job descriptions."

Bullard "There are job descriptions that were written up but they are old and when we cut the hours back we were asked by a trustee to define what we were changing in the job description to allow them to operate in a shorter timeframe and I don't think we have done that."

Panzarella "It was asked by a member in the audience "now that you are cutting back the job description do you expect them to do the same thing in fewer hours?" In the resolution it says job descriptions in accordance with attachment A but there was no attachment A. Sometime between May and June a draft of the job descriptions were put together and the draft had extractions but I don't know what happened after that. I have asked that all of the zoning inspector items having to do with tax incentive financing, community reimbursement act, joint economic development, economic development, and tax districts be extracted from his job description, in the definition part of the job. In examples of duties we extracted prepare tracks, audits and submits CRA, TIF reports to the Tax Incentive Review Committee. All of the following were extracted; works with the Delaware County Development Office, coordinates data with the CRA, TIF, discusses CRA's with applicants and economic developments and is the liaison with the Economic Development Office. In the knowledge area; knowledge of JEDS, TIF's and CRA's were extracted, so when you took all these things away we made up the difference from 40 hours to 25 hours. I gave this to you (talking to D'Amico) and I don't know what happened to it or if you gave it to them but since they don't have a job description this could form a basis for his job description but what I was looking for was the 25% and I don't see it. We need to get the zoning inspector and the zoning secretary a job description. I'm willing to present this job description to the board and if they approve it I will get it to them. The question then is who is going to do all the stuff that was taken out but we have already answered that because I am the TIRC guy and we said all the economic development stuff would be taken care of by the county."

Bullard "I am not willing to approve it until I have had a chance to review it."

Panzarella "I suggest that we take a recess and I will get you all copies of it and then you review it and get comments back to me and we will vote on it at the next meeting.

10 minute recess at 8:44

Panzarella distributed copies of the zoning secretary and zoning inspector job descriptions to everyone.

FUTURE MEETINGS:

End of July DKM
8/31 Economic Development Session

LATE ITEMS:

Bullard stated that Jim Hahn asked for a trustee to represent us at the Rt. 36-37 Sewer Plant Project. Panzarella said he would be interested.

Panzarella will compose an advertisement for a BZC alternate and have it for the next meeting.

OLD BUSINESS:

Cold Storage – Bullard said we need to get working on the cold storage for the roads department. The design, build capability under the state regulations makes it easier to do. Bullard will work with Irwin and bring to a meeting as we will need to have it done by next year.

Power Washing – It was discussed whether we should buy or rent a power washer to do ourselves. D'Amico will get an estimate from Steve Sowers.

Cemetery Sign Base – D'Amico will check with Steve Sowers as we already had a quote from him.

Windows Washed – D'Amico said Tami has done some of them already so Panzarella will check with her to see that they all get done.

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Handbook – Panzarella stated that he is to meet with Loveland & Brosius this week.

**RESOLUTION
11-07-13**

RECESS TO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, COMPENSATION OF A PUBLIC EMPLOYEE – THREE TRUSTEES AND THE FISCAL OFFICER TO ATTEND – 9:16 P.M.

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

**RESOLUTION
11-07-14**

RECONVENE TO REGULAR SESSION-9:27 P.M.

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

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

**RESOLUTION
11-07-15**

MOTION TO ADJOURN

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

Meeting adjourned by Chairman Panzarella at 9:29

Philip P. Panzarella, Trustee

ATTEST:

Thomas A. D’Amico, Trustee

Claudia Smith,
Fiscal Officer

Ronald W. Bullard, Trustee