

**BERLIN TOWNSHIP TRUSTEES**

**7:00 P.M.**

**REGULAR**

**AUGUST 8,**

**11**

**HELD AT:** Berlin Township House, 3271 Cheshire Rd., Delaware, OH 43015

**CALL TO ORDER:** Philip P. Panzarella, Chairman.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Fire Chief Bill Bechstein.

**ROLL CALL:** Philip P. Panzarella and Thomas A. D’Amico. Ronald W. Bullard was absent. In the absence of Fiscal Officer Claudia Smith, Judy Shumway was named to record the proceedings of the meeting.

**ATTENDANCE:** Toni and Joe Korleski; Jennifer Moeller; Bill Bechstein, fire chief; and Chris Paykoff.

**PUBLIC COMMENT:**

Panzarella stated public comment rules then asked if there were any comments. He stated receiving an e-mail request for public comment later in the meeting. Panzarella said public comments would be deferred to 7:45 p.m.

**CORRECTION-MINUTES OF REGULAR MEETING JULY 11, 2011**

Panzarella requested a correction be made to Page 5552 Resolution 11-07-03 saying reference to the 2011 budget should be changed to 2012 budget.

**RESOLUTION**

**11-08-01**

**DISPENSE WITH READING AND APPROVE MINUTES OF REGULAR MEETING JULY 11, 2011 WITH CORRECTION AS REQUESTED**

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

**RESOLUTION**

**11-08-02**

**DISPENSE WITH READING AND APPROVE MINUTES OF SPECIAL MEETING JULY 18, 2011**

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

**RESOLUTION**

**11-08-03**

**DISPENSE WITH READING AND APPROVE MINUTES OF EMERGENCY MEETING JULY 18, 2011**

Motion: D’Amico  
Second: Panzarella

Panzarella stated repairs had been made to the fire department building.

Vote: Panzarella yea and D’Amico yea.

**FISCAL OFFICER**

**BANK STATEMENT-**Shumway presented the July 2011 balanced bank statement for trustees’ approval. Panzarella questioned the appearance of a negative number in the reconciliation. Shumway said it was a July payroll reconciling item which had been

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deducted from the accounting system. Shumway said payroll taxes and retirement deduction deposits are automatically withdrawn from the township checking account and the final July payroll deductions wouldn't appear on the bank statement until August. Panzarella said he wanted to discuss the matter with Fiscal Officer Claudia Smith.

**7:17 P.M.-PUBLIC HEARING ON CASE BZC #11-001-AMENDMENTS TO ARTICLE XXII OF THE BERLIN TOWNSHIP ZONING RESOLUTION**

Panzarella verified proper advertising of the hearing.

Shumway read exhibits for insertion into the Record of Proceedings.

**Exhibits**

1. BZC resolution initiating proposed revisions to Article XXII dated 5/10/2011
2. Copy Article XXII-Sign and Billboard Regulations revision not dated
3. E-mail request for legal ad publication-June 14, 2011 hearing dated 5/31/2011
4. RPC minutes dated 5/30/2011
5. Proof of publication June 14, 2011 hearing dated 6/2/2011
6. BZC minutes, meeting agenda & meeting attendance sheet dated 5/10/2011
7. BZC minutes, meeting agenda & meeting attendance sheet dated 6/14/2011
8. BZC recommendation to trustees for approval of amendments to Article XXII of Berlin Township Zoning Resolution dated July 13, 2011
9. E-mail request for legal ad publication-August 8, 2011 hearing dated 7/18/2011
10. Proof of publication August 8, 2011 hearing dated 7/22/2011
11. Public notice hearing August 8, 2011 dated 7/18/2011

D'Amico said, "The Historic Village of Cheshire signs, I'm OK with that. Regional Planning pointed out information and directional signage (page 10 of RPC 5/26/2011 minutes). I want to ask if this requires a permit."

Panzarella said, "The BZC chairman is not here. We can continue this for thirty (30) days."

D'Amico said, "I'm uncomfortable with this." D'Amico continued (referring to page 10 of RPC 5/26/2011 minutes, item W-1), "I'm OK with Cheshire in number one (1)."

Panzarella said, "It would be cleaner with clarification."

Toni Korleski said, "I thought we (referring to the BZC) addressed that." D'Amico said, "I don't see it in Article XXII."

Panzarella said, "We're one member down. We can postpone it for thirty (30) days and have the BZC chairman here."

D'Amico proposed continuing the hearing for thirty (30) days and to hear it at the next trustee meeting.

**RESOLUTION**

**11-08-04**

**MOTION TO CONTINUE HEARING CASE BZC #11-001 TO SEPTEMBER 12, 2011 AT 7:15 P.M.**

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

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**7:32 P.M.- PUBLIC HEARING ON CASE BZC #11-002-AMENDMENTS TO ARTICLE IV**

Shumway read exhibits for insertion into the Record of Proceedings.

**Exhibits**

1. BZC resolution initiating proposed revisions to Article IV dated 5/10/2011
2. Copy Article IV-Sign and Billboard Regulations revision not dated
3. E-mail request for legal ad publication-June 14, 2011 hearing dated 5/31/2011
4. RPC minutes dated 5/30/2011
5. Proof of publication June 14, 2011 hearing dated 6/2/2011
6. BZC minutes, meeting agenda & meeting attendance sheet dated 5/10/2011
7. BZC minutes, meeting agenda & meeting attendance sheet dated 6/14/2011
8. BZC recommendation to trustees for approval of amendments to Article IV of Berlin Township Zoning Resolution dated July 13, 2011
9. E-mail request for legal ad publication-August 8, 2011 hearing dated 7/18/2011
10. Proof of publication August 8, 2011 hearing dated 7/22/2011
11. Public notice hearing August 8, 2011 dated 7/18/2011

Panzarella asked D’Amico if he had any comments. D’Amico indicated he had none.

Panzarella said (referring to the BZC recommendation), “There is inconsistency in the statements. I suggest we continue this to the same time and certain date.”

**RESOLUTION**

**11-08-05**

**MOTION TO CONTINUE HEARING CASE BZC #11-002 TO SEPTEMBER 12, 2011 IMMEDIATELY FOLLOWING THE BZC CASE #11-001**

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

**7:38 P.M.-HEARINGS CONCLUDED**

**FISCAL OFFICER continued**

**DISCUSSION 2011 ROAD IMPROVEMENT PROJECT**-Shumway said all 2011 project documentation had been reviewed and it was determined that previous resolution(s) approved did not include or make mention of the individual road improvements with applicable costs and the contract had not been approved in a public meeting. She said it would be necessary to rescind previous resolution(s) and void all reference purchase order(s) replacing them with proper resolution(s) and then and now purchase order(s). Shumway said the final bid awarded by the Delaware County Engineer was \$432,183.52. If trustees wanted to add an additional contingency of 10% the total amount would be \$475,401.82.

**RESOLUTION**

**11-08-06**

**MOTION TO RESCIND RESOLUTION 11-03-11 FROM PAGE 5447 OF THE RECORD OF PROCEEDINGS IN THE AMOUNT OF \$520,630.00 WHICH WAS FOR THE 2011 ROAD PROJECT**

Motion: D’Amico

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Second: Panzarella  
Vote: Panzarella yea and D'Amico yea.

**RESOLUTION  
11-08-07**

**APPROVE \$432,183.52 PLUS 10%  
CONTINGENCY ADDITION OF \$43,218.30=  
TOTAL \$475,401.82 FOR 2011 ROAD  
IMPROVEMENT PROJECT WITH SHELLY &  
SANDS, INC., ZANESVILLE, OH AS NAMED  
CONTRACTOR-CONTRACT DEADLINE  
SEPTEMBER 9, 2011-ROADS NAMED BELOW:**

<u>Begin Limit</u>	<u>End Limit</u>	<u>Surface</u>	<u>Cost</u>
<b>S. 3 B's &amp; K Rd.-TR 35--</b>			
TR 105-Plumb	intersection	Streamside Dr.	404 Asphalt \$ 86,246.72
<b>Heverlo Rd.-TR 78--</b>			
TR 78-Heverlo	dead end		422 Chip & seal \$ 3,410.00
<b>Piatt Rd.-TR 99--</b>			
TR 100-Shanahan	CR 98-Peachblow Rd.		422 Chip & seal \$ 16,470.12
<b>Hollenback Rd.-TR 274--</b>			
TR 99-Piatt Rd.	CR 10-S. Old State Rd.		403 & 404 Asphalt \$ 203,802.98
<b>Conner Lane-TR 373--</b>			
US 23-Cols. Pike	TR 373 Conner Ln.		422 Chip & seal \$ 2,453.00
<b>Roesland Drive-TR 374-</b>			
TR 35-S. 3 B's & K	TR 374-Roesland Dr.		422 Chip & seal \$ 6,196.30
<b>Summerwood Subdivision--</b>			
Summerwood Subdivision-various		404 Asphalt	\$ 113,604.40
			<b>\$432,183.52</b>
Add 10% contingency			\$ 43,218.30
		<b>TOTAL APPROVED</b>	<b>\$475,401.82</b>

**SECOND AMENDED CERTIFICATE OF ESTIMATED RESOURCES-**

Shumway said it was necessary for the fiscal office to file a Second Amended Certificate of Estimated Resources due to changes in township revenue levels.

Panzarella stated, "This has been through the Delaware County Budget Commission.

**RESOLUTION  
11-08-08**

**APPROVE SECOND AMENDED CERTIFICATE  
OF ESTIMATED RESOURCES-\$5,644,363.42**

<b>General Fund</b>	<b>\$4,035,102.52</b>
<b>MVL Fund</b>	<b>\$ 15,848.99</b>
<b>Gasoline Tax Fund</b>	<b>\$ 136,029.08</b>
<b>Cemetery Fund</b>	<b>\$ 99,406.88</b>
<b>Fire Fund</b>	<b>\$ 918,332.23</b>
<b>Zoning Fund</b>	<b>\$ 83,843.69</b>
<b>MVL-Permissive Fund</b>	<b>\$ 108,544.15</b>
<b>Note Payable-Hollenback</b>	<b>\$ 00.00</b>
<b>Note Payable-Piatt</b>	<b>\$ 00.00</b>
<b>Capital Project-Parks</b>	<b>\$ 2,255.88</b>
<b>Capital Project-Firetruck</b>	<b>\$ 245,000.00</b>
<b>TOTAL</b>	<b>\$5,644,363.42</b>

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

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**RESOLUTION**

11-08-09

**APPROVE AMOUNT OF \$5,644,363.42-AS AVAILABLE FOR APPROPRIATION PER SECOND AMENDED CERTIFICATE OF ESTIMATED RESOURCES AS STATED IN RESOLUTION 11-08-08**

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

**PUBLIC COMMENT continued**

**COMPLAINT REGARDING LOCATION OF RECYCLE BINS AT FIRE STATION-**Jennifer Moeller, 3617 Cheshire Rd. stated she was a neighbor to the fire station, next to the recycling depository. She said bins are changed in the middle of the night. She said the change out of bins takes approximately 20 minutes and it is very noisy at 3:30 a.m. She said the middle of night change out has now stopped. She indicated the paper recycle bins are changed during the daytime. Moeller said people visit the bins at all hours of the day and night as they recycle 24 hrs. per day. She said this causes her family disrupted sleep time. She also said they cannot enjoy sitting on their deck as there is often radios blaring, headlights pointed at their residence, trash is blown into their yard and there's glass everywhere. She said it was a nuisance and their privacy has been totally disrupted.

D'Amico said, "I'm sure it's a mess and a nuisance. It's very bad close to your house." Panzarella said, "We've received several complaints from others and you. DKMM's contractor thinks it's an industrial facility. The Board should consider other township real estate as a location. The noise is worse with the different bin lids. It's good because the county saves money but the Board should consider relocation to property owned that is amenable. There are things that can be done for noise and light reflection. They are also causing damage to the blacktop with their vehicles. We should be like Genoa Township and use only gravel. The Board's intent is to get an estimate for another property location. Bullard is not here and he asked me, in his absence, to move ahead. We need to gather information on characteristics of a facility, cost and location. Genoa Township posts recycling hours and they have a temporary barrier on crushed rock. They have the same type bins. I suggest we carry this to the next meeting September 12<sup>th</sup>. Bullard should have a plan with control mechanisms. I'll contact Jennifer Way-Young at the Health District to keep them out during the night and early morning hours. In addressing the problem the fire chief and the road department will be consulted on relocating the facility. We've learned something here, we don't want to inconvenience the neighbors. I suggest a public meeting with the neighbors for comments, maybe a separate meeting.

**CEMETERY**

**DISCUSSION-REPAIR OF EXTERIOR CEMETERY SIGN BASE-**Panzarella said, "We have a single estimate from S & V Concrete which is in excess of \$1,000.00." Panzarella said to D'Amico, "I know you're getting an estimate from S & V for something else. I haven't received other estimates. We have to attempt to get three (3) estimates." D'Amico had no comment. Panzarella said, "Mr. Bullard and Mr. D'Amico are both to get estimates to fix the base and seal it."

**SEEDING GRAVE LOTS-**Panzarella said, "There are several graves with soil but no grass. It is a prime time to plant grass. We have to have a process to water it." Shumway said a complaint was received by the fiscal officer regarding weeds and no grass on a grave that was over 18 months old. The person wanted to know if they could dig out the weeds and replace it with sod. The person was willing to pay for the sod. Panzarella said the township should check and get a sod estimate. He said the sod would

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have to be watered. Panzarella said the graves needing sod should be identified, and a cost for sod with a maintenance program brought to the Board.

D’Amico said, “Maybe Stewcare can recommend something else.” Panzarella said, “I can ask Stewcare. There are other businesses in the township.”

Panzarella said the person should be advised that the Board has embarked on identifying all graves without grass and at the next meeting a program will be identified to be set for mid-September.

**FIRE DEPARTMENT**

**OPEN HOUSE-**Bechstein said a requisition to Foremost Promotions was for items to be used all year round. He said Lt. Arnold wanted to try something different this year with backpacks filled with fire prevention items to be distributed.

**RESOLUTION**

**11-08-10**

**APPROVE \$1,278.00 FOR PURCHASE OF FIRE PREVENTION AND OPEN HOUSE ITEMS- FOREMOST PROMOTIONS, MOORESTOWN, N.J.**

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

**ROAD DEPARTMENT**

**ROLOSON ROAD CULVERT PIPE REPLACEMENT-**Trustees reviewed an estimate of \$7,784.00 from Glenn Excavating for replacement of a culvert pipe on Roloson Rd. Shumway said this was a need pointed out to trustees 4 or 5 years prior during a road inspection meeting.

**RESOLUTION**

**11-08-11**

**APPROVE \$9,350.00 FOR CULVERT REPLACEMENT ON ROLOSON ROAD-GLENN EXCAVATING**

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

**RESOLUTION**

**11-08-12**

**APPROVE \$7,600.00 INVOICE PAYMENT REPAIR SHERMAN ROAD CULVERT PIPE-GLENN EXCAVATING**

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

**OLENTANGY SCHOOL REQUEST FOR FLASHING LIGHTS ON SHANAHAN ROAD-**

D’Amico reported receiving a request from the Olentangy School Transportation Department for purchase and installation of flashing lights in the school zone at Olentangy Shanahan Middle School on Shanahan Road. Panzarella said it would need to be a joint project with Orange Township and the school board. D’Amico said two (2) lights were requested by Lori Carter-Evans which would cost approximately \$16,000.00.

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Panzarella said the township would have to get a handle on the cost. He said the township needs the school to help. Panzarella said there is concern not only as to cost but to cost of operation, maintenance, etc. Chris Paykoff questioned the cost of the recently installed flashing light on S. 3 B's & K Rd. Panzarella said the school lights were different and more costly. D'Amico said, "I need to do more homework."

**TRUSTEES**

**DISCUSSION-CHAIRS FOR TOWNSHIP MEETING ROOM**-Panzarella said there were about fifteen (15) chairs missing from the meeting room which had been broken or disposed of. He suggested purchasing twenty four (24) new chairs from Lowe's at a cost of \$20.98 each. He said Lowe's would charge \$69.00 to deliver them. Panzarella questioned if the township could pick them up. He said the chairs were padded, steel folding chairs that were rated at 225 lbs. His recommendation was a requisition including 20% contingency or a total of \$605.00. D'Amico said township employees should pick them up.

**RESOLUTION**

**11-08-13**

**APPROVE \$605.00 FOR PURCHASE OF TWENTY FOUR (24) PADDED, STEEL FOLDING CHAIRS TO REPLACE BROKEN AND DISCARDED CHAIRS-LOWE'S, 1465 POLARIS PKWY, COLUMBUS, OH**

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

**DISCUSSION:** Panzarella to notify D'Amico when chairs are available. D'Amico to notify road department employees to pick up.

**ZONING**

**MONTHLY REPORT-JULY 2011**-Panzarella said the zoning report reflected a drop of \$2,100.00 from the same month in 2010. He said, "They're better in houses but less in commercial."

**ZONING INSPECTIONS**-Panzarella reported there had been more zoning inspections initiated, 3-4 every two (2) weeks.

**FUTURE MEETINGS**

**36/37 SEWER MEETING**-10:00 a.m. at County Engineer's meeting room on August 15, 2011. Panzarella said a letter was sent from the zoning department to property owners. He said, "The township effort was handled by Jim Hahn. I have been designated to attend."

**LATE ITEMS**

**JOB DESCRIPTIONS**-Panzarella said, "We've discussed the issue common to other departments, job descriptions. The handbook will be in for the September meeting. A draft will be to officials one (1) week before.

**POWERWASH BUILDING**-D'Amico said he had a verbal quote of \$475.00 from Steve Sowards to power wash the building and \$850.00 to power wash the fence.

Panzarella said, "Let's address the building first. Can we do it ourselves? All I've heard is 'we don't have the right kind of equipment'. Can we rent the equipment and do it ourselves? I don't know how many hours it will take."

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D’Amico said, “Brodi & Sowards say we don’t have water pressure to do it. I’ll request a written quote from S & V.”

Panzarella said, “Regarding the fence, why can’t we rent the equipment and do it with our own people? And what do we pay them?”

**OLD BUSINESS**

**PLACEMENT ON AGENDA**-Panzarella he wanted to move Old Business to earlier in the meeting.

**RESOLUTION**

**11-08-14**

**ADJOURN MEETING**

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

Meeting adjourned at 8:41 p.m.

\_\_\_\_\_  
Philip P. Panzarella, Trustee

**ABSENT**  
\_\_\_\_\_  
Ronald W. Bullard, Trustee

\_\_\_\_\_  
Judy K. Shumway  
Assistant to Fiscal Officer

\_\_\_\_\_  
Thomas A. D’Amico, Trustee