

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

October 24,

16

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

CALL TO ORDER: Adam Fleischer Trustee Chairman

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Joe Pichert

ROLL CALL: Adam Fleischer, Ron Bullard, Steve Flaherty, and Claudia Smith, Fiscal Officer

ATTENDANCE: Jacob and Mark Braniger, Michelle Brooks, Greg Binder, Joe Pichert and Chris Paykoff

PUBLIC COMMENT: Fleischer asked if there were any. Hearing none they moved to the next item on the agenda.

RESOLUTION 16-10-10 APPROVE THE 10/10/2016 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

Motion: Bullard
Second: Fleischer
Vote: Fleischer yes, Bullard yes and Flaherty yes

FISCAL OFFICE:

Smith said she had to submit a third amended certificate of estimated resources to the auditor as they received more money than anticipated for grave sites being sold, more interest received and zoning permits. Bullard asked if this was the first time they have gone over six million and Smith said yes.

RESOLUTION 16-10-11 APPROVE THE THIRD AMENDED CERTIFICATE OF ESTIMATED RESOURCES DATED OCTOBER 11, 2016 AS PREPARED BY FISCAL OFFICER

General Fund	\$3,413,216.43
MVL Fund	\$ 22,713.39
Gasoline Tax Fund	\$ 166,097.57
Cemetery Fund	\$ 114,486.76
Cemetery SPRBA	\$ 125,000.00
Fire Fund	\$1,687,578.17
Zoning Fund	\$ 289,616.68
MVL-Permissive Fund	\$ 113,326.94
Capital Project-Parks	\$ 2,255.88
Public Works Commission	\$ <u>87,996.96</u>
TOTAL	\$6,022,288.78

Motion: Bullard
Second: Flaherty
Vote: Fleischer yes, Bullard yes and Flaherty yes

OLD BUSINESS:

Columbarium's – Flaherty said he was waiting on drawings and quotes.

Cemetery Helper Pay – Flaherty said they previously discussed breaking down Buell's pay and splitting it between administrative and physical and giving them an hourly increase. Smith said if they don't do anything then you have given them a raise to do nothing. She thought maybe they should be paid when the work is performed. Flaherty said it's hard to predict when that will be. Fleischer said their intention is to actually add it into their job description. Smith said Cannon has been coming in and doing all the deeds. Fleischer said Irwin is the one doing more of the physical work and the one who brought it up. Flaherty said Buell indicated that of his time 60% of it is administrative and meeting with families and 40% was the physical and said Rippel had not felt comfortable in doing everything on her own. She has since been meeting with Buell to learn more of it so she may not be up to speed so we can delay it but he knows Irwin and his guys have been doing it. He said they discussed giving more to the supervisor than the road workers but he feels the raise should

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be across the board with a one-time increase and put it into the job description. They decided to wait on the administrative side until the organization meeting and give Rippel time to get trained. Flaherty said the goal is to get Rippel up to speed so that Cannon is not needed as much but he doesn't want to take work away from Cannon. Flaherty said a \$.45 raise on the administrative side is plenty because it is sporadic and he thinks the physical guys are out there with the foundations and do other things such as maintaining and helping out in the cemetery. Bullard said in the motion he would like to see that the job description is expanded to include foundation pours and layouts and grave layouts.

RESOLUTION 16-10-12 APPROVE INCREASING ROAD SUPERINTENDENTS HOURLY RATE BY \$.35 AN HOUR TO INCLUDE EXPANDED WORK LABOR TOWARDS CEMETERY SPECIFICALLY THE ASSISSTANCE WITH TWICE A YEAR FOUNDATION POURS, MARKINGS OF GRAVE SITES AND ANY OTHER PHYSICAL DUTIES THAT GO ALONG WITH FUNERAL PREPARATION FOR A FUNERAL EFFECTIVE NOVEMBER 5, 2016.

Motion: Flaherty
Second: Bullard
Vote: Bullard yes, Flaherty yes and Fleischer yes

RESOLUTION 16-10-13 APPROVE INCREASING ROAD LABOR HOURLY RATE BY \$.05 FOR THE ASSISTANCE IN THE CEMETERY FOR ANYTHING TO DO WITH FUNERAL PREPARATION, TWICE A YEAR FOUNDATION POURS AND THE MARKINGS OF GRAVE SITES EFFECTIVE NOVEMBER 5, 2016

Motion: Flaherty
Second: Fleischer
Vote: Bullard yes, Flaherty yes and Fleischer yes

Curve Field Study – Bullard said he had not received it back from the prosecutor.

RESOLUTION 16-10-14 APPROVE ESTABLISHING TRUSTEE BULLARD AS THE AUTHORIZED SIGNATURE FOR THE CONTRACT FOR THE BALL BANK SAFETY STUDY FOR 2016 AND APPROVE \$1,639 FOR THE BALL BANK SAFETY STUDY CONTRACT

Motion: Bullard
Second: Flaherty
Vote: Flaherty yes, Fleischer yes a Bullard yes

CEMETERY – Nothing more.

FIRE DEPARTMENT:

Fleischer said thank you to fire department for preparing and conducting the open house yesterday. They had at least 200 to 300 people attend.

Bullard said Chief Hall asked about renting out the hall at the fire house so they discussed how to handle that and that they should only rent to people that are holding meetings and not for parties as there would not be access to the kitchen. Fleischer will work on the rules and the rental application and bring it to the next meeting.

*******7:30 P.M. TIME CERTAIN**BZC INTERVIEWS*******

RESOLUTION 16-10-15 RECESS TO EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING APPLICANTS FOR TOWNSHIP EMPLOYMENT– THREE TRUSTEES, FISCAL OFFICER AND APPLICANTS TO ATTEND-7:33 P.M.

Motion: Fleischer
Second: Bullard
Vote: Flaherty yes, Fleischer yes and Bullard yes

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RESOLUTION MOTION TO RETURN TO REGULAR SESSION AT 8:27 P.M
16-10-16

Motion: Fleischer
Second: Flaherty
Vote: Fleischer yes, Flaherty yes and Bullard yes

Fleischer "We met in executive session and no decisions were made or actions were taken."

ROAD DEPARTMENT:
REA'S -

RESOLUTION APPROVE SUBMITTING TWO REQUESTS FOR ENGINEERING
16-10-17 ASSISTANCE TO DELAWARE COUNTY ENGINEER FOR CULVERT
SAFETY INSPECTION FOR POSSIBLE PIPE SEPERATION ON
CURVE ROAD AND GRADER PATCHING ON CURVE ROAD WEST
OF THE RAILROAD TRACKS

Motion: Bullard
Second: Flaherty
Vote: Fleischer yes, Bullard yes and Flaherty yes

Bullard said they received a request for reimbursement for car repairs for an incident on Curve Road. He said he was told by Fowler that if the damage was due to the driver running off the road then the township was not responsible for paying for it and that this is clear in state law. He said in this particular case the berm went away and the pavement got beat off and there was a place into the road where the roadway was actually gone and this is the reason they have been talking about doing work on it and have it listed as a very poor road. He said what Fowler told him is absolutely true but does it make sense to pay for it he thinks it does. Paykoff said there is a spot there because when people come around the curve they get off the berm a little bit which gradually works itself into the pavement. Fleischer said Fowler told him that there were two conditions where the township would be liable; 1.) A complaint was made about the issue and we choose not to act, 2.) If we could be proven to be completely negligent in our maintenance of that road over a long period of time and he does not think that is the case. Fowler told him that we were not obligated to pay for the damages and he understands where Bullard is coming from but he is hesitant as he doesn't want to create precedent of paying for auto damages where we are not obligated to. Bullard said we drove across this road during our road meeting and did not address it as being a problem.

Flaherty said the family submitted a records request and they stated that in the Berlin Township Road Report it consistently reports Curve Road as being in poor condition and the edges being in poor condition and that we have known about it since January 2016 and have not done anything about it. But that is why we are willing to spend \$100,000 plus towards an OPWC grant which we applied for last year and did not get and applied for again for next year. The fix is not to temporarily bandage them up and spend a bunch of money on cold patch and labor, the fix is to redo the road like we have talked about with the OPWC grant. He said it is unfortunate but the township by statute is only required to take care of pot holes that are between the lines and not on the edge of the road. Fleischer said he would like to check with Fowler before they make a decision. Bullard said he would do it.

Bullard said The Dexter Co and Peterbuilt would like to take our new truck to the OTA to show it off

RESOLUTION APPROVE ALLOWING ROAD SUPERINTENDENT AT HIS
16-10-18 DISCRETION BASED UPON WEATHER CONDITIONS TO
ALLOW THE TRUCK TO BE DISPLAYED AT THE OTA CONFERENCE
IN JANUARY

Motion: Bullard
Second: Flaherty
Discussion: Flaherty asked if our employees have to take it down or will a representative.
Bullard said he didn't know but we may also get something out of it and Flaherty said he wanted to minimize our impact.
Vote: Bullard yes, Flaherty yes and Fleischer yes

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Bullard said he couldn't attend the meeting regarding the 36/37 interchange but he had Irwin go and he brought back a map that showed the timeline for updates and he will put it in the zoning office. Bullard said at a recent MORPC meeting they talked about the projects and their priorities in the central Ohio area and it included this project which was number four on the list. Number two was the Point in Delaware, number three was a section of 70 out by Brice Road and then another section of 70. Flaherty asked where Big Walnut was listed and Bullard said this was a list of funding and recommendations to ODOT where they were requesting money for engineering studies. Bullard said they asked if we had any comments that we want to make on it and Flaherty said his comments would be that there are other interchanges that would make a greater improvement to the overall health of 71 and to our residents as it would take congestion off the Polaris/Gemini exit and make it more of a commercial designated interchange which would be better for everybody and then allow our residents to have an interchange to get off a couple miles north at Big Walnut. Bullard will make the comments on behalf of the board.

TRUSTEE DEPARTMENT:

Fleischer said Rippel asked that they approve funds for the BZA & BZC to attend the prosecutor's Sunshine Law and Ethics training next month. Flaherty said that is a half day training and they get paid an hour rate now since the PERS change so they would get paid \$192.50 per person and that's a lot of money to go to a meeting. He doesn't have a problem with them going to it but it's for their own knowledge because at the end of the day they are responsible for Sunshine Law regardless of whether they know about it or not. It's a free training class that is put on but the only people required to attend are the trustees. Flaherty said we could create a different hourly rate for them for training sessions. Fleischer said he will find out who the people are and come back to the next meeting with a suggestion of pay.

ZONING DEPARTMENT:

They discussed the zoning case that was approved by the BZC and was coming to the trustees.

FUTURE MEETINGS:

- 11/14/16 Trustee Meeting
- 11/15/16 Special BZC Meeting for Evans Farms
- 11/28/16 Trustee Meeting

LATE ITEMS:

Flaherty said they had some issues with oil and glass on the road and he forwarded it to Terry at Republic and they found out what the issue was and corrected it.

**RESOLUTION MOTION TO ADJOURN
16-10-19**

- Motion: Fleischer
- Second: Bullard
- Vote: Bullard yes, Flaherty yes and Fleischer yes

Meeting adjourned by Chairman Fleischer at 9:23 p.m.

Adam Fleischer, Trustee

ATTEST:

Ron Bullard, Trustee

Claudia Smith, Fiscal Officer

Steve Flaherty, Trustee