

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Regular Meeting**

**February 22,**

**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 Korleski

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

**ATTENDANCE:** Joe & Toni Korleski, Bryon & Samuel Ringley, Tony Eyerman, Craig Hall, Joe Pichert, Mark Carey, Neil Brock & Brandon Conley

**PUBLIC COMMENT:** Fleischer asked if there were any public comments and Joe Korleski wanted to say what an outstanding job the road department did during the last snow fall. Fleischer said they did do an excellent job.

**RESOLUTION 16-02-07 APPROVE THE 2/8/2015 ORGANIZATIONAL MEETING MINUTES AND DISPENSE WITH THE READING**

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

**FISCAL OFFICE:** Nothing

**OLD BUSINESS:**

**Computer Contract** – Flaherty said he is still waiting on the quote from Involta to do a full evaluation. Looking at the quote from Accent it would be a significant jump from what we are spending currently. We would have better emails but we would still have the same problem of people using the system. He said we could just switch to their email server which is Google and a lot easier to use. Fleischer said he received an email from George Kaitza today saying he spoke to someone from Consolidated Electric about expediting fiber agreements for fiber optics in Berlin Township and hoped to have that agreement finalized in the near future. He will give him a call to see what the near future means. Flaherty said going to \$500 a month is steep. Smith said she was concerned as she received a quote for virus protector that only listed two computers and she questioned it and they sent her a list of computers and it showed that Smith’s computer was offline. So does that mean she has not had a virus protector on her computer?

**Cemetery Updates** – Flaherty said he meet with a landscaper today that has done a couple columbarium’s before and worked with Eagle Scouts. They will draw up a plan and then we can meet with the scouts to see what part they can handle. He also talked to a columbarium company that is sending him a couple ideas of what we are looking at.

Bullard said with the issues going on in Galena he did some research on the Peachblow cemetery and the auditors website shows the cemetery as belonging to the church which got him concerned so he called the prosecutor that said that the church at one point had been boarded up and cemetery was not being maintained so he believes the township took it over at that time and doesn’t know if there is any paperwork that says that. Prosecutor said it doesn’t matter if it was boarded up and abandoned as a cemetery and we started to maintain it we don’t need a deed to it, we don’t need anything that it’s our cemetery to maintain in the future. Bullard stated he was going to keep working on it so we have something in the file for future reference. He also stated that the Fairview Cemetery has been in the news lately but would not be turned over to the township until a court order turns it over to us. If it starts looking bad and wasn’t being maintained the township could mow it and make it look nice and put the bill on the tax duplicate so we could be reimbursed for it at the time it does transfer. Joe Korleski said Judy Shumway, rest her sole, said she was at the meeting where the trustees agreed to maintain the cemetery.

**Glen Road RR Crossing** – Bullard said the application has been filed with the federal and state people as this is the most dangerous un-signalized crossing in the county and appears there is some federal money to put in lights and crossing arms. He said the state said they

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would entertain a request for some money to make some short time fixes there up to \$5,000.00. We did an REA and will submit it to the county engineer.

**Modified Ditch –**

Bullard said he had the language from what we discussed before and we said we wanted to put it with the complete streets. He read the following statement:

Berlin Township desires Curb and Gutter with sidewalk/combined use trails but as an alternative, Berlin Township is willing to accept a modified ditch street, provided the modified ditch street typical section and details comply with the current edition of the Delaware County Engineer’s Design, Construction and Surveying Standards Manual. Alternative detailing for the modified ditch typical section may be accepted at the discretion of the Delaware County Engineer.

The modified ditch must provide a normally dry ditch (normal mowing possible, no cattails or standing water) with below surface drainage which outlets to a storm structure/adequate outlet. In general, a catch basin shall be provided at each property line with a 12” stub extended to the R/W line to provide drainage for sump pumps, roof drainage systems, and subsurface drainage, leach field perimeter drains, etc. Berlin Township desires sidewalks for all township roads and streets.

**RESOLUTION 16-02-08 APPROVE ADOPTING THE ABOVE STATEMENT AND SENDING IT TO THE DELAWARE COUNTY ENGINEER UPDATING OUR REQUIREMENT FOR STREET DESIGNS**

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

**Special Events Parking –** Flaherty said Fowler was still working on this.

**Township Hall Updates –** Flaherty said he had nothing new but did find a couple architectural companies he will contact.

**Trash Hauling Contract –** Bullard said the containers will arrive mid-March by semi and will unload them at the fire station for both Berlin and Delaware Townships. He stated that Berkshire Township is interested in piggybacking with our contract and Fowler was going to get us a motion to allow this.

**CEMETERY:** Nothing

**FIRE DEPARTMENT:**

**Requisitions –** Bullard said we had a requisition for an RIT rescue craft which will be used for ice rescues and small waterway rescues and the purchase is being made in conjunction with Washington Township, Dublin, Ohio and will save approximately \$800. MSRP is approximately \$4,000.

**RESOLUTION 16-02-09 APPROVE \$3,840 TO PHOENIX FIRE SAFETY OUTFITTERS FOR RIT RESCUE CRAFT**

Motion: Bullard  
Second: Fleischer  
Discussion: Pichert said this craft is lighter and more maneuverable and it will be easier to get someone out of the ice and into the boat. We will also be able to get into the coves easier. Bullard said we are getting more and more retention ponds and this will help with those.  
Vote: Bullard yes, Flaherty yes and Fleischer yes

**ROAD DEPARTMENT:**

**Tractor Purchase –** Bullard said there is nothing new on this. The old tractor is still on Govdeals so hopefully we will get more bids.

**2016 Road Improvements –** Bullard said we received the request for bid to the county engineer for the 2016 road improvements which is an estimate and changes can be made to

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it. Flaherty said since we tried the onyx coating it has gotten a lot more people in the county interested so we possibly could see a reduction in the cost.

**RESOLUTION 16-02-10 APPROVE 2016 ROAD IMPROVEMENT PROGRAM AS SENT BACK FEBRUARY 10, 2016 BY MIKE METZGER A PROJECTED TOTAL COST OF \$191,758.38**

Motion: Bullard  
Second: Fleischer  
Discussion: Flaherty said we are not approving any amount yet this is just to go get bids and be a part of the county bid project.  
Vote: Bullard yes, Flaherty yes and Fleischer yes

**\*\*\*\*\* TIME CERTAIN 7:30 P.M. \*\*\*\*FIRE DEPARTMENT\*\*\*\*\***

Fleischer said the fire department is here to do a presentation on their staffing plan. Joe Pichert outlined their staffing goals for 2016 through 2020 and reviewed the functions of the fire department and their incident responses. He showed comparisons with two townships Harlem and Concord that are comparative in demographics. He explained how the fire department has been moving to 24/7 coverage and how their response time has gone from as long as sixteen minutes to five minutes and their reasons for needing to add additional firefighters. Neil Brock explained how a fifty six hour work week works, which is what the fire department is moving towards. Pichert said they would like to have their new firefighter hired by May since this is when their busier time starts. They discussed needing to go to the voters for a staffing levy in 2017. A copy of the entire power point presentation can be found on the Berlin Township website at [www.Berlintwp.us](http://www.Berlintwp.us).

**TRUSTEE ITEMS:**

**Evans Property** – Fleischer said two weeks ago today Orange Township approved an application to zone a portion the Evans property. The Evans property is in Berlin and Orange Townships so we need to start talking now about how we plan to accommodate the process in the best interest of the township and also the community at large.

**Legal Consultation for Economic Development Options –**

Flaherty said there are a multitude of things that can happen all at the same time. The law firm of Albers & Albers specializes in economic development and has a lot of water, sewer and storm background since the townships have the ability to create their own water, sewer and storm water districts to help develop land that couldn't previously be developed. He stated we are at the mercy of the county for development as they tell us and developers what capacity they have. It is not a priority for the county to get sewer on 36/37 which is preventing commercial activity, so we were exploring the avenues we have for economic development. There is a possibility with the Evans property coming in that we can create things like a sewer district which gives us control over our own domain and also JEDD's. Commercial property gives us better taxes for the use of it and a JEDD would give us income tax on the commercial properties in that defined area. The recent rulings by the Supreme Court that townships can now collect for infrastructure on storm water district to keep up with the EPA's new guidelines for the clean water act which is an unfunded mandate that we have standards now that we are going to have to adhere to. By creating a storm water district we would have our own storm water area that we are in control of and can monitor and watch. He would like to meet with Albers & Albers to explore all our options with the Evans development coming in to know what tools we have as a township to assist in this or create things so that we are not losing anything and putting a burden on our taxpayers for such a large project coming in.

Fleischer said maybe it would be in our best interest to solicit multiple firms. Flaherty said this is a special niche and there are no other firms in the state that specialize in sewer and water districts. Fleischer asked Flaherty what the primary advantage was for us to have a JEDD as opposed to a flat out application that is accepted in the traditional way. Flaherty said if a developer is open to a JEDD it is in the best interest of the township to try to get a JEDD as it gives you income tax off the commercial development instead of just property taxes. You're looking at helping supplement the cost of maintenance of those roads which is going to be curb and gutter and more expensive to repair. Flaherty said it's possible that we could set aside some of the funds received to help the school system. He said the only thing that is required in a JEDD is one or more townships and one municipal partner and Orange is interested and the developer does not see a deterrent to the JEDD. Bullard said it

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makes sense to talk about a JEDD and to bring Albers & Albers in to consult with us as development is coming. If we sit back and don't do anything we will be developed and will be annexed to the city. Flaherty said it does curb annexation and gives us control of our own destiny for development so now we can approach property owners and say we have a sewer district now if you want to get your property ready for development on 36/37 you can come to us and develop it instead of waiting on the county to come here in ten, fifteen or twenty years. A new waste water treatment plant is needed to develop the northern part of the township and there are a number of different options by creating a sewer district that we don't have to build the whole plant we just have to get preliminary treatment and then we can ship it over to Delaware and tie into their forty inch main. This all helps us control the growth of what we want to see without the threat of annexation. Bullard said if we don't do something we will be annexed. Flaherty said he can meet with John Albers and come back to the trustees.

**RESOLUTION 16-02-11 APPROVE UPTO \$2,000 FOR STEVE FLAHERY TO MEET WITH ALBERS & ALBERS TO DISCUSS DEVELOPING OPTIONS FOR ECONOMIC DEVELOPMENT, STORM WATER AND SEWER DISTRICTS AND BRING INFORMATION BACK TO TRUSTEES**

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

Tony Eyerman said part of the attraction for a developer to participate in something like this is for a favorable zoning for them and getting that favorable zoning they are getting a little bit and are giving a lot and everyone is happy. To approach a landowner with a JEDD and not giving them anything there is no incentive as they are still being taxed whether it's in the city or the township, the city has sewer the township doesn't, so the sewer district is attractive so favorable zoning is something that is a developer/landowner's incentive to participate in a JEDD.

**Marina Green Space** – Fleischer said the president of the HOA of the Marina told him they would like to give us their green space as they don't want to maintain it anymore. Flaherty said instead of the Marina's HOA spending the money on the maintenance they want all seven thousand residents of the township to take on the maintenance of that area. Smith said it would be a liability for the township if someone got hurt. Bullard said we would have to take the money from the general fund as we do not have a park levy. If we did we could develop it as a park and put anything we wanted on it but he is not for taking general fund money to maintain their grass because they don't want to. Eyerman said there are no restrictions on the use of it and they are currently working with Mr. Piatt on his property across the street so if there is some township interest on the property he thinks the corner of Hollenback and Old State could be accented nicely to have a mirror image on each side and would be something they would be interested in participating in. Bullard said his only interest in it is if we had a park levy as it would set a dangerous precedence for other developments giving up their green spaces. He said if it's a township space it's for all residents so they need to understand what they are asking for. Fleischer said he was interested in looking into it further if they would like him to, especially if they can coordinate with something across the street.

**Old State Rd Property Purchase** – Bullard said he talked to the landowner and they are interested in selling and he talked to the prosecutor who suggested that they designate one of the trustees to work with the landowner to come up with an offer and he doesn't know what it takes to do that. His expectation is that it takes an appraisal and he is willing to do it to get a offer together. He said there are two separate lots and a pond and it's the sellers desire to stay living there for eighteen months. He knows they are working with a realtor and talking about subdividing it and putting in more lots but once the property is gone it's gone. Smith asked what we would do with it and Flaherty said we would set it up for a future park.

**RESOLUTION 16-02-12 APPROVE DESIGNATING RON BULLARD WORK WITH PROSECUTOR AND LANDOWNER TO DO WHATEVER IS NECESSARY AND TO APPROPRIATE UPTO \$2,000 FOR THE PURPOSE OF DEVELOPING ESTIMATES AND APPRAISALS OF THE PROPERTY AND COME TO THE TRUSTEES WITH A PROPOSAL**

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Motion: Bullard

Second: Flaherty

Discussion: Flaherty said buying property there and we're being offered free property down there. Fleischer said it's located in a more preferable to the township. Flaherty said you can have both locations there's not a problem there. Smith said but like Bullard said we don't have a park levy so why buy something until we do. Flaherty said the structures would have to go and we were talking about having to take from the general fund to develop the property at the Marina but we're going to take out of the general fund to develop this one. Bullard said not to develop it but to maintain it and he doesn't worry about developing it as much as he is about maintaining it, maintaining it is the bigger cost. Flaherty said but you weren't willing to take it out for the Marina but you want to for this one. Fleischer said we don't want to set precedence but now we are buying property that's being sold. Bullard said all this does is get us a proposal and if the numbers make sense it makes sense. Fleischer said he thinks it a great opportunity but he wants to think it through. Flaherty said he doesn't mind taking money from the general fund for parks if it's sustainable and that's where the JEDD is going to help counteract budgets so we can do things like that without a park levy as he is not under the same belief that they need to have a park levy to have parks but we have to budget for it and eventually you're going to have to have a park levy. Fleischer said if you have ball diamonds businesses sponsor the maintenance of them. Flaherty said if she wants to get an appraisal and donate a portion of the land we can a memorial park.

Vote: Flaherty yes, Fleischer yes and Bullard yes

### ZONING DEPARTMENT:

**The Greenery Extension** – Smith said Heid sent them an email where the attorneys for The Greenery are requesting another two year extension of the preliminary development plan approved in June 2014. In May 2014 they requested a two year extension as they could not get the sewer and the trustees approved that. Bullard said we don't have to do anything soon as it doesn't expire until May and he would like to know if the zoning board grants it. Smith said they already approved it and it came to the trustees who approved it they just couldn't get it done in time because of the sewer. Flaherty said this has to be decided by us not the zoning commission. Bullard said Mike Shade or Jack Reynolds would be here if we had a hearing and Smith said she didn't think they needed to have a hearing. Flaherty said they requested a two year extension but we don't have to we can give them a one year and Bullard said he is happy to grant a two year but he would like to have them come in to tell us they are going to do this, cause if we are just extending it for two years because they don't know what they are going to be able to do then in two years we are going to be doing the same thing. Flaherty said we don't have to. Bullard said he would like to hear from them what they are going to do in the next two years that they have not been able to do in the last four. Bullard said he would prefer to schedule it for the next meeting and have Heid call them and invite them.

### FUTURE MEETINGS:

3/10/16 MORPC Meeting  
3/14/16 Trustee Meeting  
3/26/16 Spring Open House with Egg Hunt  
3/28/16 Trustee Meeting  
5/7/16 Township Cleanup Day

Flaherty said he called Mike and he is still interested and they have already interviewed him.

### RESOLUTION 16-02-13

### APPROVE HIRING MIKE BARDASH AS BZC ALTERNATE WITH A TERM EXPIRING DECEMBER 31, 2016

Motion: Flaherty

Second: Fleischer

Vote: Fleischer yes, Bullard yes and Flaherty yes

### LATE ITEMS:

Bullard said the Board of Elections moved the polling place from the township hall to the church on 36/37 and he has received a lot of calls on it and people are irate and nobody wants to do it. He said today a resident on Berlin Station Road asked for the trustees to move forward and put the Jake brake resolution into effect and would like to have this on

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the agenda for the next meeting. Smith said they already passed the resolution they just never followed through with it. Bullard said they need to advertise it and out up all the signs that are necessary but that was just a request and he thinks they need to make sure that it what they want to do and he will bring more information to the next meeting.

Flaherty said he also had a Berlin Station resident ask them to formally address the school board and the county engineer regarding the new high school as the architectural plan shows the driveway for the bus turn off on Berlin Station Road coming out directly across from four or five resident properties across the street which is a cause for congestion and an inconvenience to those residents. He said there is an open field a few hundred feet away that would be a much better avenue for the traffic to go. Fleischer said he would call the people involved and Flaherty suggested that he draft up a letter with their concerns for the trustees to sign.

**RESOLUTION            MOTION TO ADJOURN  
16-02-14**

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

Meeting adjourned by Chairman Fleischer at 9:34 p.m.

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Adam Fleischer, Trustee

ATTEST:

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Ron Bullard, Trustee

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Claudia Smith, Fiscal Officer

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Steve Flaherty, Trustee