

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

June 13,

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 Toni Korleski

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

ATTENDANCE: Fire Chief Craig Hall, Assistant Fire Chief Joe Pichert, Zoning Inspector Chet Heid, Chris Paykoff, Joe & Toni Korleski, Brian & Sabrina Hageman

PUBLIC COMMENT: Fleischer asked if there were any. Joe Korleski asked if there was a law regarding railroad trains blocking the road. Flaherty said there are federal laws and they are allowed to have it stopped. He said he and Ron have called them in the past to let them know and was told they are not supposed to be there for more than twenty minutes. Korleski asked if it effects the fire department and Pichert said they call them and tell them that there is either a train that has broken down or they are switching crews out and to go another way. Flaherty said the Evans development is planning on either a viaduct over or under the tracks which would help us as a township as it is a developer cost.

Fleischer said he wanted to thank the 4 H group for planting flowers at the township hall as it looks really great and he wanted to thank Chris Paykoff for painting the railroad ties which he paid for out of his own pocket so we appreciate that. Chris thanked him.

RESOLUTION 16-06-02 APPROVE THE 5/23/2016 MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 16-06-03 APPROVE THE 5/31/2016 EMERGENCY MEETING MINUTES AND DISPENSE WITH THE READING

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

**FISCAL OFFICE:
May bank statement was signed.**

2017 Budget – Smith asked when she would see something regarding the budget. Pichert said he sent her the fire departments on Saturday and Smith said she never received it. Bullard said the road department did not want to make any changes as they were good with the way it was last year and they do not plan on having any major paving projects or larger purchases. Flaherty asked if she could send it to him electronically. Smith said she would.

2017 OPWC – Smith said she received the paperwork for the OPWC grant. Flaherty said they will run the numbers and at the next meeting appropriate the funds and Bullard will work on completing the paperwork.

Smith said she also gave them a copy of the commissioner’s resolution that says they approved extending Piatt Road to Berlin Station.

**OLD BUSINESS:
Economic Development Updates** – Flaherty said Evans will be submitting their zoning application on Thursday and in an email from Tony Eyeran he asked if the trustees were still on board as a co-applicant and township initiated so they decided to let that lye as they understand where we are on it and it doesn’t provide us any advantages. Eyeran thought it would help if there were a bunch of requests for changes that they could look to the trustees but the trustees can’t advance the application, their interest in it is from the

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economic development side, that they are putting together a development agreement that we get a JEDD if the zoning gets approved which will help the residents of the township but would also keep it from being annexed into Delaware. This does not impact what it has to go through with zoning. He stated that John Albers came in and spoke with the zoning board and explained to them what the impact of something this size could do, both good and bad, for the township. Toni Korleski said they asked a lot of questions and they are aware that if we don't do something we will be annexed.

Flaherty said something else that came to the limelight as he did some calculations regarding the rezoning application fees. Our rezoning application fee is \$500.00 and \$200.00 per acre and this project is approximately 760 acres so the check that has to be written that we received funds for regardless if it goes through the process or not is \$156,000 and by law the township cannot make money on anything that we do as a township. He stated we would have a very hard time in court showing that we had \$156,000 worth of expenses in a zoning hearing process. On the advice of John Albers we need to look at our fee schedule which is put in place at the organizational meeting. We can't do anything before Evans turns in their submission and we don't want to appear as if we are showing favoritism. This is just a scenario that was unforeseen as we have never had anything like this. When someone comes in with a thirty acre development their zoning application fee is \$6,500 and that to Flaherty is a reasonable amount of money to collect based upon the time that they are going to have to pay the BZC board, the hours that they have to put in to examine the books and the time for the meetings and the administration paperwork, Heid's salary and Rippel's salary and everybody that is involved. If this were twenty separate neighborhoods he could see \$156,000 because it is twenty separate processes, its twenty separate books, meetings and reviews, etc. When someone submits something this large it doesn't change the process, the advertisement still costs the same to advertise one meeting whether it's a thousand acre development or a ten acre development. Albers suggested that we reanalyze our fee structure and have either him or the county prosecutor review and make that determination of our fee structure what it should be instead of us that way it is not showing favoritism. He thinks everyone would agree that just to charge \$150,000 just for an application and then let's say it doesn't go through and doesn't get approved that's \$150,000 that we collected that's non-refundable. T. Korleski said we will be hearing that more than several times. Flaherty agreed and that's where we need to put a maximum cap not to exceed a certain amount or a cap on the land size. They discussed what other townships charge and how to go about doing a resolution to cover the situation at hand. Heid said he has a meeting with Fowler on Wednesday and he can ask if he has the time to get this to us quickly. Flaherty said if not we will have to pay more for Albers to do it. Fleischer asked if Albers or Fowler could come back and say that the \$156,000 is justifiable. Bullard said they could as there is more to it than just the zoning process and asked Heid if they put a gazebo in as part of the green space, is there a charge for that or is it included in the originally zoning fee. Heid said he thought it was included. Bullard said if we are going to change the fee structure we may have to add in a whole of new things that we do that we haven't been charging for.

Flaherty said when he asked our paid legal counsel which is John Albers, he advised me as a client and said that he would suspend your payment structure for the time being because he thinks if you know you have a zoning application of this coming in, he thinks our fees of \$156,000 can be seen as exorbitant in the state of Ohio so he said it is his legal opinion that we could be breaking the law. Heid agreed with that but he is looking at other subdivisions that have paid the \$200 an acre fee. Smith asked what the largest development has been to date and Heid said he thinks the Meadow of Cheshire and Paykoff said it was over 100 acres. Flaherty said if we put the cap at 500 acres we would still be collecting \$100,000. Fleischer asked how we make this resolution and asked if we suspend all fees. Flaherty said no, you don't suspend rates, we need to make a resolution that replaces the current zoning fees and cap it at anything over 500 acres.

RESOLUTION 16-06-04 APPROVE ALTERING THE 2016 ZONING FEES AS LISTED IN RESOLUTION 16-01-20 EXHIBIT 14 FROM THE 2016 ORGANIZATIONAL MEETING LINE ITEM #15 FOR ALL REZONING APPLICATIONS THAT THE FEE BE CHANGED TO \$500 PLUS \$200 PER ACRE UPTO 500 ACRES

Motion: Flaherty
Second: Bullard

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Discussion: Flaherty said this implies that there is a cap that maxis out at 500 acres that anything over 500 acres the fee will be charged as if it were 500 acres. Bullard asked if we needed to put a cap on commercial property being rezoned also. Flaherty said if you have an above 500 acre commercial property he thinks it's justified. So he is fine with leaving no cap on commercial property. Flaherty said he will confer will counsel.

Vote: Bullard yes, Flaherty yes and Fleischer yes

Lighting Updates – Flaherty said he did not have anything new.

Part-time Employee – Bullard said the state does not have a program for part-time employees and the survey that was sent out was to develop a way to get part-time employees. He said the county does use part-time employees but they can't find anyone that has a CDL. Bullard said Irwin wanted to have it listed in the Delaware Gazette but it's difficult to find someone with a CDL that wants to work part-time.

Property Purchases – Bullard said the appraisal came in and the price was pretty steep and asked if they wanted him to put a proposal together to go to the homeowner or should we back away from it and if we need green space try to get the developers to put it in their development. He stated that we are talking about a large sum of money to purchase the property and the additional cost associated with using it. Flaherty said to redo it and make it usable space you're talking about spending a bunch of money. If you leave the structures there, clean up the pond and out a pathway around for a walking park you're still talking a lot of money and he feels there are areas in the township that we can utilize. When Evans comes it there will be twelve miles of walking trails and 30% green space as they have already pledged that if they come into the township they will donate several acres, 5 to 7 acres, to us. Flaherty said the going rate in the township for a large piece of land is \$40,000 an acre. Fleischer said he thinks it's best to talk to developers at this point as we have parks to use. Bullard will talk to the property owner.

Township Hall Updates – Flaherty said he had numbers back from someone that he thinks is in the realm of what we can do but he wants another energy audit done. And he has another handyman that he will get a quote from.

CEMETERY: Flaherty said he spoke with Buell who said he had more information from another columbarium company and that they were meeting with the landscape architect who said he will have it ready for the next meeting. Flaherty asked where they thought they should place it, either here in the front or in the back. Putting it upfront makes it easier for parking and cheaper in cost. Bullard and Fleischer agreed. Bullard said he would like to have Irwin and Mike Stewart take a look at it to see what the cost would be to maintain it.

Bullard said Smith gave him a message from a reporter with the Dispatch that wanted to do an article about the Fairview Cemetery and was asking if we were going to take it over and he told him that we don't make that decision the courts do.

**FIRE DEPARTMENT:
Requisitions –**

**RESOLUTION APPROVE \$1,620.00 TO APEX FIRE SERVICES FOR TURNOUT
16-06-05 COAT & PANTS INSPECTIONS**

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

**RESOLUTION APPROVE \$8,374.80 TO EMERGENCY REPORTING FOR
16-06-06 FIREHOUSE SOFTWARE WITH ANNUAL SUBSCRIPTION AND
ONE TIME FEES AS ITEMIZED**

Motion: Flaherty
Second: Fleischer
Discussion: Bullard asked if they were using a standard database so the information can be transferred easily if they change companies. Pichert did not know and Flaherty said usually whatever history you want to pull over there is integration that will pull from whatever method they had it in and is just information exchange.
Vote: Flaherty yes, Fleischer yes and Bullard yes

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RESOLUTION 16-06-07 APPROVE \$4,884.00 TO SIMCO ELECTRIC FOR 10 REPLACEMENT AND INSTALLATION OF EXTERIOR WALL PACK LIGHTS

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

New Hire- Firefighter – Hall said Carothers currently works for BGST & G and he has watched her on fires and in training and the main reason she wants to come to us is she heard how exceptional our training is and that we take different runs than BGST & G does since we have the bike trails and the water and she has heard nothing but good things about us.

RESOLUTION 16-06-08 APPROVE HIRING CHELSEY CAROTHERS AS PART-TIME PROBATIONARY FIREFIGHTER AT THE PROBATIONARY FIREFIGHTER RATE WITH HER START DATE TO BE AFTER PHYSICALS AND COMPLETION OF PAPERWORK TO BE DETERMINED BY THE FIRE CHIEF

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

Additional Email Accounts – Fleischer said he spoke with Ryan who said we needed additional emails for the Carey & Carr, Brad Cook and the fax machine. Smith said she approved the email for Cook previously.

RESOLUTION 16-06-09 APPROVE \$500.00 TO ACCENT FOR THREE ADDITIONAL EMAILS

Motion: Fleischer
Second: Bullard
Discussion: Flaherty said that they will be coming out of two different fund accounts.
Vote: Fleischer yes, Bullard yes and Flaherty yes

Glenn Probation Ends – Pichert said Andrew Glenn will be coming off probation on June 19th.

RESOLUTION 16-06-10 APPROVE REMOVING ANDREW GLENN FROM PROBATIONARY STATUS TO FIREFIGHTER STATUS EFFECTIVE JUNE 19, 2016 AT THE RECOMMENDATION OF THE FIRE CHIEF

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

Bullard said we have a requisition that involves the road department and the fire department. Flaherty said the road department uses this area for salt deliveries and Irwin said there are more pieces that need to be done and each time we are creating a new line, a new seal and seam but to do it all would cost \$100,000 and asked Chief Hall if this was the only way they could see doing it and Hall said unfortunately. The road department will pay for half and the fire department will pay for half.

RESOLUTION 16-04-11 APPROVE \$31,970.00 TO HILLS BLACKTOP TO REPAIR AND REPAVE NORTH ENTRANCE LOT AT FIREHOUSE WITH REFUNDING TO BE SPLIT 50/50 WITH FIRE DEPARTMENT AND ROAD DEPARTMENT

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

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Pichert said he and Carey started their 56 hour work week on June 5th and 6th. Bullard said an invoice will be coming for the firefighter that got injured and he would like to see us work with Frank Gates to put a program together so everyone knows what to do in case of an accident or injury of a firefighter.

**ROAD DEPARTMENT:
Requisitions –**

RESOLUTION 16-06-12 APPROVE \$4,968.48 TO DELAWARE COUNTY ENGINEER FOR LINDA LANE REPAIRS

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

RESOLUTION 16-06-13 APPROVE \$7,396.07 TO DELAWARE COUNTY ENGINEER FOR BIG RUN ROAD REPAIRS

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

RESOLUTION 16-06-14 APPROVE \$1,800.00 TO GLENN EXCAVATING FOR BRUSH AND SILT REMOVAL FROM CULVERT AT WINDING CREEK

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

Block Party – Flaherty said they had a request to block off a street for a block party and since it is a side street and all the neighbors are participating or know about it he is okay with it. We will drop off the barricades and they will put them in place the morning of and remove them after they are done and we will pick them up and the fire department is aware of it. Bullard asked if we needed a fee or a permit and Flaherty said we didn't have anything in place right now and he thinks for this type of thing, it's a community event and not a private person hosting a party so he sees this differently. He thinks it will be easy to add it to the parking permit resolution as it is taking our time and resources to notify everyone involved. He said anyone that needs access to the road will have it. It will just be closed for through traffic.

RESOLUTION 16-06-15 APPROVE REQUEST TO HAVE A BLOCK PARTY AT 3412 WEST BAY CIRCLE AND WE LEND THE RESOURCES OF THE ROAD DEPARTMENT TO PROVIDE THE BARRICADES FOR A PROPER ROAD CLOSURE FROM 8:00 A.M. TO 9:00 P.M. ON JULY 2, 2016 AND ACCESS REMAINS OPEN FOR ALL NEIGHBORS AND THAT THEY HAVE BEEN INFORMED AND NOT INCONVIENCED IN ANY WAY AND THAT OUR EMERGENCY CREWS CAN GET THROUGH AS WELL

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

TRUSTEE DEPARTMENT:

Aggregation Program – Bullard said he received an email from an energy supplier and wanted to know if we wanted to do it and Flaherty saw it as a solicitation email and didn't do anything with it. He suggested that it be shown to Belcastro and see if he can get our prices lowered. Bullard said he will.

ZONING DEPARTMENT:

Monthly Zoning Report – Heid said we had two commercial projects and a lot of sheds come in, that's why May is so high.

FUTURE MEETINGS:

7/11/16 Trustee Meeting

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LATE ITEMS:

Flaherty said the ground breaking for the new school was last Thursday and Fleischer said he saw that the district is soliciting suggestions for what to name the new high school and asked if as a board should we make a resolution that in our opinion the name should be Berlin High School. Flaherty said he didn't know if we had to do a resolution or a formal request and feels if they name it anything besides Berlin it would be a huge insult to every resident of this township and the history of this township. You have the original Olentangy which resides in Orange Township then when they built the other one they named it after the township that it occupies, when they built the third one they named it after the township that it occupies and if they brake suit with that it's a big slap in the face to Berlin Township trustees and everything that it represents. Flaherty said you can call it Berlin and call it the Bears as they went through the whole speech about the history of it and how it used to be the Bears back when they had localized school districts before Olentangy district was around. Fleischer will draft up a letter to send to the school board.

Pichert said Ohio Cat came out and inspected the generator and there is a lot of damage to the inside of the generator. An emergency rental generator was installed and they will work on a quote of what they recommend. Flaherty said the reason we have to pay for an auxiliary backup generator is because we need to maintain a server and backup of data and that we are an emergency disaster relief location for the county.

**RESOLUTION APPROVE \$3,000.00 TO OHIO CAT FOR RENTAL OF
16-06-16 EMERGENCY GENERATOR AT THE TOWNSHIP HOUSE**

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

**RESOLUTION MOTION TO ADJOURN
16-06-17**

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

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

Adam Fleischer, Trustee

ATTEST:

Ron Bullard, Trustee

Claudia Smith, Fiscal Officer

Steve Flaherty, Trustee