

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Regular Meeting**

**January 23,**

**17**

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

**CALL TO ORDER:** Ron Bullard, Trustee Chairman

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Chief Craig Hall

**ROLL CALL:** Adam Fleischer, Ron Bullard, Steve Flaherty and Theresa Cannon, Assistant Fiscal Officer.

**ATTENDANCE:** Barbara Sherman, Tim Bensen, D. Ellis, Larry Buell, Craig Hall, Joe Pichert, Joe Thomas, Chris Paykoff, Fank Perrish, Candice Myers, Chet Heid, Todd Farris

**PUBLIC COMMENT:** None given

**RESOLUTION 17-01-49 APPROVE THE 12/28/2016 YEAR END MEETING MINUTES AND DISPENSE WITH THE READING**

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

**RESOLUTION 17-01-50 APPROVE THE 12/28/2016 2017 ORGANIZATIONAL MEETING MINUTES AND DISPENSE WITH THE READING**

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

**FISCAL OFFICE:  
Revised 1<sup>st</sup> Amended Certificate**

Cannon presented the revised 1<sup>st</sup> amended certificate to the Trustees. She said the difference is approximately \$37,850. Cannon said the difference is from an increase to the General and Fire Funds from property taxes as well as a funds from H.B. 64 a reimbursement from the State that runs through June.

**RESOLUTION 17-01-51 APPROVE THE REVISED FIRST AMENDED CERTIFICATE OF ESTIMATED RESOURCES IN THE AMOUNT OF \$6,231,465.31 DATED 1/5/2017**

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

**Inactive Inventory Items**

Cannon stated the items on The Asset Confirmation are inventory items that either are lost, broken, and old and no longer work or are useable, or items that have been sold. She said they need to be removed from inventory.

**RESOLUTION 17-01-52 MOTION TO REMOVE THE ITEMS ON THE ASSET CONFIRMATION LIST DATED 1/11/2017 FROM THE INVENTORY IN THE UAN DATED 1/5/2017**

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

**Computer Smith Estimates**

Flaherty said we have received two quotes from Computer Smith. One is to replace the NAS box located in the communication room. The other is for a new server. Flaherty said we have discussed replacing the server sometime in 2017. He said the replacement of the NAS is marked urgent because it is failing. Flaherty said they have talked with Accent about backing things to the cloud. He suggested getting the NAS and holding off on the server

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which is quoted for over \$13,000 until they decide which way they want to go. Heid questioned if there were any rules about storing locally. Flaherty and Fleischer both commented that the County was on cloud. Flaherty said if the building would burn, we would have nothing. He added that the current server is for recovery only. Heid commented that he was not sure the State embraced the cloud. Bullard commented on the urgency of the NAS. Flaherty suggested approving the NAS contingent to him having a discussion with Computer Smith to see if the NAS box we currently have would continue to back-up or needs replaced immediately.

**RESOLUTION 17-01-53 APPROVE \$2100 FOR ESTIMATE NO. 8648 FOR RN526XNAS FROM COMPUTER SMITH DIRECTION- FINAL PAYMENT APPROVAL TO MOVE FORWARD FROM TRUSTEE FLAHERTY**

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

### ZONING DEPARTMENT:

Bullard said he would like to recuse himself from the next discussion.

### Ray Armstrong

Flaherty said that the current Zoning Inspector, Chet Heid will have to recuse himself from future zoning discussions/zoning hearings of property that is adjacent to his property. Flaherty said we would like to hire former Zoning Inspector, Ray Armstrong to fill in for Chet on pending / upcoming dealings regarding the Doras Ross property handled by John Wickes. Flaherty said there was some thought of hiring Armstrong as a consultant or employee and PERS stated he should be hired as an employee, so that is what we would like to do. Heid said there is an informal with the zoning commission tomorrow. He said once the property is zoned and a final done he can take it back over.

**RESOLUTION 17-01-54 APPROVE HIRING RAY ARMSTRONG TO ZONING INSPECTOR AT THE DECLARED PART-TIME ZONING INSPECTOR 2017 RATE FOR THE SINGLE PURPOSE OF HANDLING ONE ZONING CASE (DORAS ROSS PROPERTY DEVELOPMENT) DUE TO CHET HEID RECUSAL OF, HIRING EFFECTIVE 1/24/2017 TO BE AT WILL UNTIL PROCESS IS COMPLETE**

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

### FIRE DEPARTMENT:

#### Carothers Probation Ends

Pichert reported that Chelsey Carothers probation period is ending and status should be moved to a part-time employee.

**RESOLUTION 17-01-55 APPROVE MOVING CHELSEY CAROTHERS FROM PROBATIONARY FIREFIGHTER TO PART-TIME FIREFIGHTER PAY RATE EFFECTIVE 1/29/2017**

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

### Sean Worley Resignation

Hall said we received a resignation letter from Sean Worley from the fire department.

**RESOLUTION 17-01-56 MOVE TO ACCEPT SEAN WORLEYS RESIGNATION FROM THE FIRE DEPARTMENT EFFECTIVE IMMEDIATELY**

Motion: Fleischer  
Second: Bullard  
Discussion: Chief Hall thanked Worley for his service.  
Vote: Bullard yes, Fleischer yes and Flaherty yes

### OLD BUSINESS

#### Items for GovDeals

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Bullard and Flaherty are still working on wording. Items to be included are folding chairs from Township hall and old radios.

**Jake Brakes**

Fleischer said he had nothing new to report.

**Noise Ordinance**

Fleischer said he has talked with Mark Fowler regarding this issue. He said they were reluctant to prosecute with regards to noise decibels. He did state that there was some merit to specifying certain times for noise. He said if police are called a deputy can testify to work being done during restricted times. He said he would continue working on it.

**4 – 10 hour days**

Bullard said he has spoken with Jerry Ungaschick from the county and he said they do not have a policy but do it as an as needed basis. He said they have four crews; 2 that work 8 hour days and 2 that work a 10-hour day. Bullard said they do this April to the end of September. He commented they have someone there on Fridays. Bullard said he has talked with Brodi Irwin regarding the two shifts and Irwin has said he would like to be able to use some discrepancy when it is needed. Bullard said they are looking to work the 4 – 10’s from April to mid-October.

**\*\*\*\*\*7:30 Time Certain Hearing\*\*\*\*\***

**Westfield Lakes Expansion**

Todd Farris said this development was just a continuation. He said it was to the north and consisted of 12 lots. Farris said it was an R-3 with a PRD overlay and had 1.8 units per acre. Farris said they have asked for no divergences or signage. He said there will be pathways and a connection to Piatt Extension. Farris said mounding and landscape is to the Berlin Comp Plan. He said they will put in an asphalt pathway to the school. There is 53% open space on this development. Flaherty asked about the stubs to the empty land. Joe Thomas said that are 10 acres that are not being developed, currently. Flaherty asked if it was future development for them. Thomas said it is just being stubbed we will see if they decide to develop. Fleischer asked if there was a fountain in the pond. Thomas said yes, there was. Bullard questioned a letter in the file from the Sanitation Engineer stating they had 18 months to develop. Bullard said he thought they were talking about starting development mid-2018 and said that would be out of the period. Thomas said that capacity was not a problem. He said the letter was standard. Bullard talked about the cul-de-sac on road under the power lines. Thomas said they have made inquiries to purchase the land. He said Delaware County is okay with this access. Farris commented that this road exists unlike the Piatt Road extension.

**RESOLUTION  
17-01-57**

**ACCEPT EXHIBITS 10-13 FOR BZC CASE # 16-010  
WESTFIELD LAKES EXPANSION**

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

**RESOLUTION  
17-01-58**

**APPROVE APPLICATION FOR BZC CASE #16-010 WESTFIELD  
WESTFIELD LAKES EXPANSION WITH EXHIBITS 1-13**

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

**Eaststone Crossing**

Farris commented that they had previously withdrawn the original application to add some of Roll’s property. He said this is an R-2 with a PRD overlay. Farris said there are 1.25 units per acre. Farris said the primary access is Cheshire Road and the secondary is Piatt Road Extension. He said the County has stated that when the connection is made the primary access and signage from Cheshire is to be removed. Farris said the development is 74 acres with 79 allowable lots. He said 41 1/4% is open space. Farris said they took care when laying out homes on Cheshire Road. Farris said they have asked for a few divergences. To keep the existing tree line, they want a divergence of 150 feet depth instead of 200. He said Homeowners wouldn’t be able to cut down the trees. Farris said

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there is a large open space in the center and 13 acres open in the southern area. He said there are bike paths along Cheshire Road and Piatt Extension and sidewalks on both sides of the street. Farris said they asked for side yard setback divergent for larger houses. He said they also asked for rear lot setback divergences from 50 to 25; he said the zoning commission agreed and approved to 35. Farris said they requested a divergence for lot 54 because of how the house is situated. Farris said the large open space will be framed with low mounds, trees and have a gazebo. Farris commented that the signage is nicer than what went with their original plan. He also commented that they have put fountains in every pond. Fleischer asked what the price point would be. Thomas said \$600,000-\$700,000. He said Westfield Lakes are \$400,000-\$500,000. Bullard commented that ditch work will need to be done. Thomas said one easement has had work done. He commented that the storm water moves to the south. Flaherty commented the development looked good and that the BZC took care of most of the questions concerning divergences. Flaherty agreed that 25 feet could be tight and that he was okay with the 35 feet. Bullard commented the tree line looks nice and he did not have any problems with that divergence. Fleischer questioned if homes would have side load garages. Thomas said with the price point most would and some would have three car garages.

**RESOLUTION                    ACCEPT EXHIBITS 10-13 INTO BZC CASE # 16-009  
17-01-59                        EASTSTONE CROSSING**

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

**RESOLUTION                    APPROVE APPLICATION FOR BZC CASE #16-009 EASTSTONE  
17-01-60                        CROSSING WITH EXHIBITS 1-13 AND NOTED DIVERGENCES  
   PROVIDED BY THE ZONING COMMISSION**

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

**Howard Farms BZC Case #16-008**

Bullard said we received an email from Jim Lipnos, President of Homewood Corp. asking to have the hearing tabled due to a conflict with another meeting. Discussion was made to accept exhibits.

**RESOLUTION                    ACCEPT EXHIBITS I-N FOR BZC CASE # 16-008 HOWARD  
17-01-61                        FARMS**

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

**RESOLUTION                    MOVE TO TABLE BZC CASE # 16-008 HOWARD FARMS AS  
17-01-62                        REQUESTED BY APPLICANTS EMAIL TO 2/13/17 AT 7:30**

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

Chet Heid to notify Mr. Lipnos that hearing had been table to February 13, 2017 at 7:30.

**4 - 10 Hour Day (continued)**

Bullard asked Trustees if they had any questions or comments. Flaherty said he talked with Brodi as well. He said Irwin has said they would always be on call if they are needed on Fridays. He verified with Bullard that it would be up to Irwin to decide if a 4 or 5-day work week is needed with the work load. Bullard said yes, the road superintendent would decide what would be appropriate. He commented that the majority would be 4 - 10's. Bullard questioned how holidays and sick time would be handled. Flaherty said that stipulated according to how many hours they are working per day that week. Flaherty said he would like to go to "PTO", paid time off. Chris Paykoff asked why part-time employees cannot accrue sick or vacation time. He questioned what would happen if he were sick for two weeks; would he lose his job or be replaced. Flaherty said there is an understanding and

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now there is nothing in place for sick or vacation for part-time employees. Paykoff thought there should be some protection for part-time employees. Heid commented that if he is sick he doesn't get paid. Ellis asked if Berlin had an employee handbook. Flaherty said we do and commented that we only have a few full-time employees that receive these benefits. Fleischer said FMLA allows up to 12 weeks off without pay. Paykoff said he just wanted to bring it up and have Trustees think about it. Bullard said he would have a resolution at the next meeting regarding a 4 10-hour work week for the road department.

**Job Descriptions**

Fleischer said he had a rough job description for Cathy but has not gone over it with her. Trustees reviewed it. Flaherty said the hours are from 8:00 am to 4:30 with a half hour unpaid lunch. It was decided upon that her title would be Administrative Assistant. Fleischer said he would go over it with Cathy, make the changes and have it at the next meeting for approval. Fleischer stated she starts fulltime 2/5/2017.

**FIRE DEPARTMENT:**

**RESOLUTION 17-01-63 MOVE TO GO IN TO EXECUTIVE SESSION FOR THE PURPOSE OF PERSONNEL ISSUES; TRUSTEES, FISCAL OFFICER, CHIEF HALL, PICHERT AND BENSON INCLUDED**

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

**RESOLUTION 17-01-64 MOVE TO RETURN TO REGULAR SESSION**

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

Bullard reported that during executive session no decisions or actions were taken.

**ROAD DEPARTMENT  
Scott Ditch Assessment**

Bullard said we have been notified about the ditch project and the County Commissioners will meet to decide if they will go ahead with the project on 2/13/2017. Flaherty said we have to sign the landowner intention to pay assessment. Bullard said we have to anti-up at once or finance the project. Flaherty said the two intention sheets need to be signed. Bullard said if the Commissioners direct the County Engineer to proceed with the project payment has to be made by 3/15/2017. Bullard said he will be attending the 2/13/2017 County Commissioners meeting. He said we have 21 days to return the forms. Flaherty said he did not have any problem having it signed and returned to the Commissioners.

**RESOLUTION 17-01-65 APPROVE PAYMENT TO THE DEL COUNTY COMMISSIONERS THE AMOUNTS OF \$2896.45 AND \$54,629.14 TO PAY THE TOWNSHIPS PORTION OF THE DITCH PETITION SCOTT #604 LATERAL #2 IMPROVEMENT PROJECT ONCE APPROVED BY COUNTY COMMISSIONERS**

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

**TRUSTEES ITEMS  
Tax Incentive Review Committee**

Fleischer said he should be appointed to this committee. He said he and Frank Rinehart represent the Township.

**RESOLUTION 17-01-66 APPOINT ADAM FLEISCHER TO THE TAX INCENTIVE REVIEW COMMITTEE (TIRC)**

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

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**ZONING DEPARTMENT:**

**Heid Compensation**

Flaherty said they received a report from Chet Heid of the DCRPC meeting hours that he was paid incorrectly. He submitted an hourly wage instead of special pay wage. The amounts are from 2015 and 2016. Cannon commented that the reimbursement for different years is not an easy process for the fiscal officer. She commented that PERS would be affected.

**RESOLUTION  
17-01-67**

**APPROVE PAYMENT TO CHET HEID FOR HOURLY WAGE DIFFERENCES NOTED IN EMAIL DATED 1/16/2017 FOR 2015 AND 2016 IN THE AMOUNT OF \$424.67. ALSO PAY PERS AS NEEDED UP TO \$500.00**

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

**FUTURE MEETINGS:**

1/25/2017-1/28/2017 OTA  
2/13/2017 County Commissioners Meeting (Ditch Petition) and Trustee Meeting

**LATE ITEMS:**

**Lori Haver - Hall Rental Reimbursement**

Bullard said we received a letter from Lori Haver, Girl Scout Leader, who has previously rented out the Township Hall. She is asking for a full refund. It was discussed that this has previously been done.

**RESOLUTION  
17-01-68**

**APPROVE REIMBURSEMENT TO LORI HAVER ANY REMAINING MONEY FROM HER RENTALS DATED 11/18/16 AND 11/19/16**

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

**Motel Tax**

Bullard said the Trustees should look into having a motel tax in the Township. Flaherty questioned how they went about doing it. He commented the fairgrounds just went to levy. Bullard said Berkshire has a tax. He said the downside is if we do not do it, someone else will. Bullard will look into what we would need to do.

**Web Designer**

Flaherty said he met with a web designer for the Township today. He said they would be operational through word press. Flaherty said the cost would be \$4780.00 with a \$450 discount if paid in full. They also would charge a 3 hour \$75.00 an hour rate to monitor and train. Fleischer commented that ours was so one-dimensional. He said he would like to see ours more like Orange and Liberty. Flaherty commented that the designer said Voss was his best host, better than blue host or big daddy. Flaherty said he was not looking for approval tonight. He said he would like to see another estimate; Flaherty said our website definitely needs a refresh and commented that he did not know how Cathy did it. Fleischer said Cathy would like word press so much better. Fleischer said he would also check around for other estimates.

**Jones Trucking**

Bullard said the springs broke on the International truck. Flaherty questioned which one. Bullard said the one Chris Paykoff drives.

**RESOLUTION  
17-01-69**

**APPROVE \$1675.12 TO JONES TRUCK AND SPRING REPAIR INC FOR REPAIR OF THE SPRINGS ON THE INTERNATIONAL DUMP TRUCK**

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

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**RESOLUTION  
17-01-70**

**MOTION TO ADJOURN**

Motion: Fleischer

Second: Flaherty

Vote: Fleischer yes, Bullard yes and Flaherty yes

Meeting adjourned by Chairman Bullard at 9:45 p.m.

\_\_\_\_\_  
Adam Fleischer, Trustee

ATTEST:

\_\_\_\_\_  
Ron Bullard, Trustee

\_\_\_\_\_  
Theresa Cannon, Asst. F.O.

\_\_\_\_\_  
Steve Flaherty, Trustee