

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Regular Meeting January 9, 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 Toni Korleski

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

**ATTENDANCE:** Joe Pichert, Steve & Sharon Arnold, Toni & Joe Korleski, Chet Heid and Jim Lawrence

**PUBLIC COMMENT:** Bullard asked if there were any public comments. Steve Arnold said he had three documents that were from past trustee meeting minutes regarding the noise ordinance and gave them to the trustees. He asked the trustees to check with the school to see if they were going to be working seven days a week in the spring. He was told that the only time they would be working on Saturdays was if they had a rain delay and that has happened a couple of times. Fleischer said he has talked to Fowler as they were looking at adding to the noise ordinance that they could not start work before a certain time and his recommendation was that we not put that into place as it was nearly impossible to enforce. He did recommend working with the school so he called Jeff Ford and he said since Arnold has spoken he addressed the complaints and construction was not starting until after 6:00 a.m. Arnold said they were doing better.

Arnold said we have a number of subdivisions coming into Berlin Township and it's going to affect other people's lives not just his so it's okay that we talk to the school for this project but how can we write a noise ordinance that will address all the developments going in. Fleischer said if we say that work can't start until a certain time and they do, our only option is to call the sheriff and he said we should call the sheriff to see if they enforce the noise ordinance. Bullard said the sheriff's office can enforce it but they have to want to enforce it, which is the issue. Flaherty suggested that Fleischer show Fowler what Arnold submitted and go from there. Arnold said they are using Jake brakes every day in the township and asked if that was enforceable or not. He also said the township is moving fast with all the developments and asked if it was time for the fire department, zoning office and trustees to get together to get a plan for utilities, bike trails, sidewalks etc. Flaherty said the school is putting in bike trails but are waiting for the Piatt Road extension. Arnold said there is a Safer Grant specifically for hiring firefighters that we could get money for instead of putting levies on and is something that needs to be looked at. Bullard said we are pushing the county and the developers to put in north/south roads as we have enough east/west roads. Flaherty said they are in constant communications with the county as far as roads go as well as economic development, sewer and county wide trails. Arnold said he would like to commend Chet Heid as he works with him on a regular basis and they are doing well. He is progressive and asks good questions.

**FISCAL OFFICE:  
December Bank Statement was signed.**

**2016 Annual Financial Report** - Smith indicated that the annual financial report has been completed and has been posted on the bulletin boards and she will send it to Rippel to post on the website.

**First Amended Certificate** – Smith stated she had the 1<sup>st</sup> Amended Certificate of Estimated Resources and the total was \$6,193,615.82.

**RESOLUTION 17-01-39 APPROVE 2017 FIRST AMENDED CERTIFICATE OF ESTIMATED RESOURCES AND APPROVE 2017 PERMANENT APPROPRIATIONS NOT TO EXCEED \$6,193,615.82**

1000 General Fund	\$3,273,147.56
2011 Motor Vehicle License Tax Fund	\$ 31,471.26
2021 Gasoline Tax Fund	\$ 217,374.29
2041 Cemetery Fund	\$ 114,693.06
2042 SPRBA	\$ 150,000.00

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2111	Fire Fund	\$1,832,826.48
2181	Zoning Fund	\$ 396,353.78
2231	Motor Vehicle Permissive License Tax Fund	\$ 157,493.51
4304	Capital Project-Park	\$ 2,255.88
4401	Public Works Commission Project	<u>\$ 18,000.00</u>

**Total First Amended Certificate \$ 6,193,615.82**

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

There was a time certain for the Health Department to make a presentation but Fleischer said they did not have anything urgent to update us on so they will be here April 11th.

**Inventory Items** – Smith said she just received the last of them and asked what they were going to do with the walkie/talkies. Bullard suggested that they list them on GovDeals as well as the chairs. Flaherty will do a write up for the walkie/talkies and Bullard will for the chairs. Pichert said they do have a couple items also.

**Resolution Establishing Meetings** – Smith said they received a more detailed resolution regarding establishing public meetings from the prosecutor’s office.

**RESOLUTION 17-01-40 APPROVE ADOPTING AND REPLACING THE EXISTING MEETING RESOLUTION #17-01-07 WITH THE FOLLOWING**

**BOARD OF TRUSTEES  
BERLIN TOWNSHIP  
DELAWARE COUNTY, OHIO**

**DATE: January 9, 2017**

**RESOLUTION NO. 17-01-40**

**IN THE MATTER OF ESTABLISHING A REASONABLE METHOD  
WHEREBY THE PUBLIC MAY DETERMINE THE TIME AND PLACE  
OF ALL REGULARLY SCHEDULED MEETINGS OF THE BOARD  
AND THE TIME, PLACE, AND PURPOSE OF ALL SPECIAL AND EMERGENCY  
MEETINGS OF THE BOARD**

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met special open session for the annual organizational meeting on the 9th day of January, 2017.

Trustee Flaherty Moved the adoption of the following Resolution.

**PREAMBLE**

**WHEREAS**, pursuant to R.C. § 121.22(F), the Board is required, by rule, to establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings of the Board and the time, place, and purpose of all special meetings of the Board; and,

**WHEREAS**, the Board also desires, consistent with R.C. § 121.22(F), to establish a reasonable method whereby any person may determine the time, place, and purpose of all emergency meetings of the Board.

**RESOLUTION**

**NOW THEREFORE BE IT RESOLVED:**

Pursuant to R.C. § 121.22(F), the Board establishes and provides notice of the following schedule for all regular meetings of the Board held in 2017 and sets the following rules

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for providing notice of all special and emergency meetings of the Board held in 2017:

1. All regularly scheduled meetings of the Board held in 2017 shall be held in accordance with the following schedule:

Time: 7:00 p.m.

Days/Dates: The 2nd & 4th Monday of each month with the following exceptions: June, July and August meetings will be 2nd Monday only.

HOLIDAY EXCEPTIONS: 2<sup>nd</sup> meeting in December and 2017 End of Year Meeting - Wednesday, December 27<sup>th</sup>. 2017 at 7:00 p.m. The 2018 Organizational Meeting will be Wednesday January 3, 2018. EMPLOYEE EVALUATIONS: Monday, December 4, 2017 begin at 9:00 a.m. ROAD INVENTORY MEETINGS: Spring-Monday, April 10<sup>th</sup> begin at 9:00 a.m., Fall-Monday, September 11<sup>th</sup> begin at 9:00 a.m.

Place: Berlin Township Hall 3271 Cheshire Rd Delaware, Oh 43015.

2. The Fiscal Officer shall immediately publish the above time, days/dates, and place of all regularly scheduled meetings one (1) time in the Delaware Gazette, a newspaper of general circulation in the Township.

3. The Fiscal Officer shall also continually post the above time, days/dates, and place of all regularly scheduled meetings in at least one (1) prominent public location in the township hall, in at least one (1) prominent public location at any other location where the Board regularly holds meetings and/or conducts business (if any), and, if the Board maintains a Township website or subsequently establishes a Township website, on the Township's website.

4. Any person, upon request made to the Fiscal Officer, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Advance notification shall be provided in any reasonably requested manner to include, but not limited to, providing notice and the agenda by email sent to an email address provided by the requestor or physically mailing the notice and agenda to the requestor and/or all subscribers on a mailing list provided by the requestor. If physical mailing of the notice and agenda are requested, the requestor shall provide the Fiscal Officer a sufficient quantity of self-addressed, stamped envelopes bearing sufficient postage to mail the requested notice(s) and agenda(s). The Fiscal Officer shall maintain a list of all persons requesting such notification.

5. The Fiscal Officer shall maintain a separate list of news media requesting notification of meetings.

6. Where the purpose of a regular meeting is of a type for which a person(s) or the news media has requested notification, provide advance notice to such requesting person(s) in the manner requested and to the news media in writing.

7. The Fiscal Officer shall provide notice of the time, place, and purpose of all special meetings of the Board as follows:

- A. Provide at least twenty-four (24) hours' advance notice in writing to the news media that have requested notification; and,
- B. Where the purpose of the meeting is of a type for which a person(s) has requested notification, provide advance notice to such requesting person(s) in the manner requested.
- C. Prominently post advance notice of the meeting on the door of the township hall or other location where the meeting is to be held.
- D. If the Board specifically requests notice be published, publish notification as directed by the Board.

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8. Any member or members of the Board calling an emergency meeting of the Board shall immediately provide notice of the time, place, and purpose of the emergency meeting as follows:

- A. Provide notice in writing to the news media that have requested notification; and,
- B. Where the purpose of the meeting is of a type for which a person(s) has requested notification, provide notice to such requesting person(s) in the manner requested.
- C. Prominently post notice of the meeting on the door of the township hall or other location where the meeting is to be held.

9. If a meeting is cancelled, the Fiscal Officer shall provide notice of the cancellation by prominently posting a notice of the cancellation on the door of the township hall or other location where the meeting is to be held and, if the Board maintains a Township website or subsequently establishes a Township website, posting notice of the cancellation on the Township’s website.

10. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

11. This Resolution shall be in full force and effect immediately upon adoption.

Trustee Chairman Bullard Seconded the motion.

Voted on and signed this 9th day of January, 2017 in Berlin Township, Delaware County, Ohio.

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

**Update Job Duties** – Smith said she had asked when Irwin got his job duties changed for someone to update his job description and asked if anyone had worked on it. Bullard said he would work on it.

**Girl Scouts Hall Rental Refund Request** –Fleischer asked if we have been waiving the fees and Smith said only when they ask for it. Bullard said the only difference is that this is a Powell resident not a township resident and asked if any of the scouts lived in the township. Smith said the request says many of their girls live nearby.

**RESOLUTION 17-01-41 APPROVE FULL REFUND FOR HALL RENTAL TO GIRL SCOUTS FOR THEIR RECENT JANUARY 8<sup>TH</sup> RENTAL OF THE TOWNSHIP HALL**

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

**OLD BUSINESS:**

**Columbarium’s** – Flaherty said he hopes to have something at the next meeting.

**Jake Brake** – Fleischer handling.

**Noise Ordinance** – Fleischer handling.

**CEMETERY: Nothing new**

**FIRE DEPARTMENT:**

Fleischer sent an email to everyone that when preparing to have the fire levy placed on the ballot this spring he was made aware of a recent law that Berlin Township would be

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responsible for the costs incurred by holding a special election which could cost \$20,000 plus. In consultation with Fowler, Chief Hall and Assistant Chief Pichert they decided to place the levy on the November ballot instead.

**RESOLUTION 17-01-42 APPROVE NECESSITY TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MIL LIMITATION TO PROVIDE FOR FIRE PROTECTION (R.C. 5705.03, 5705.19(I), 5705.191 AND 5705.25)**

Trustee Fleischer Moved the adoption of the following Resolution:

**PREAMBLE**

**WHEREAS**, a two and ninety-eight hundredths (2.98) mill, five (5) year, tax levy (renewal) for the benefit of Berlin Township, Delaware County, Ohio (“Township”) was approved by the electorate at the election held on May 5, 2015 (“2015 Levy”) and continues to be collected; and,

**WHEREAS**, the amount of taxes currently generated by the 2015 Levy are insufficient to provide for the necessary requirements of the Township’s Fire Department; and,

**WHEREAS**, the amount of taxes that are raised within the ten-mill limitation also are insufficient to provide for the necessary requirements of Berlin Township; and,

**WHEREAS**, it is necessary to levy a tax in excess of the ten-mill limitation; and

**WHEREAS**, the levy would be for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, said purposes being authorized by R.C. 5705.19(I); and,

**WHEREAS**, a resolution declaring the necessity of levying an additional tax, pursuant to R.C. § 5705.19, outside the ten-mill limitation must be approved and certified to the Delaware County Auditor (“Auditor”) in order to permit the Board to consider the levy of such a tax and must request that the Auditor certify to the Board the total current tax valuation of the Township, as well as the number of mills required to generate a specified amount of revenue or the dollar amount of revenue that would be generated by a specified number of mills.

**RESOLUTION**

**NOW THEREFORE, BE IT RESOLVED**, by the Board, at least two-thirds (2/3) of all members elected or appointed thereto concurring, as follows:

1. The amount of taxes currently generated by the 2015 Levy are insufficient to provide for the necessary requirements of the Township Fire Department.
2. The amount of taxes that may be raised within the ten-mill limitation will also be insufficient to provide for the necessary requirements of the Township Fire Department.
3. It is necessary to levy a tax in excess of that ten-mill limitation.
4. It is necessary to levy an additional tax in excess of the ten-mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel

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under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, said purposes being authorized by R.C. 5705.19(I).

- 5. The levy is an additional tax.
- 6. The levy is authorized pursuant to R.C. §§ 5705.03, 5705.19(I), 5705.191, and 5705.25.
- 7. The tax levy will be for five (5) years commencing in 2017, first due in calendar year 2018, if approved by a majority of the electors voting thereon.
- 8. The question of such tax levy shall be submitted to the electors of the Township at the November 2017 election to be held therein on November 7, 2017.
- 9. Pursuant to R.C. § 5705.03(B)(1), the Fiscal Officer is hereby directed to certify a copy of this resolution to the Delaware County, Ohio Auditor (“Auditor”). The Board hereby requests that the Auditor certify to this Board the total current tax valuation of the Township, as well as the dollar amount of revenue that would be generated by the levy of two and ninety-five hundredths (2.95) mills, if said tax were approved by the electors.
- 10. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
- 11. This Resolution shall be in full force and effect immediately upon adoption.

Trustee Flaherty seconded the motion.

Voted on and signed this 9<sup>th</sup> day of January, 2017 in Berlin Township, Delaware County, Ohio.

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

**ROAD DEPARTMENT:** Bullard said they received a list of the 2017 road improvements.

**RESOLUTION 17-0143 APPROVE \$126,743.05 & \$231,515.60 TO DELAWARE COUNTY ENGINEER FOR 2017 ROAD IMPROVMENTS**

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

They discussed 4 10 hour work days for the road department and Bullard said he would find out from the county how they handle it and bring it to the next meeting.

**TRUSTEE ITEMS:** Nothing

**ZONING DEPARTMENT:**

**BZA Pay** – Bullard explained the challenges we have had with paying the BZA & BZC a meeting rate and OPERS and that we had to change to an hourly rate. Flaherty said the problem was that miss time was sent it. Smith said she paid employees based on the attendance sheet she is given which said the BZA meeting was only an hour. It has since been changed to say that it was a two hour meeting. She said it was for December and she has already done all the W2’s for 2016.

**RESOLUTION 17-01-44 APPROVE PAYING BZA MEMBERS THAT WERE IN ATTENDANCE AT THE LAST MEETING ONE HOUR ADDITIONAL RATE EFFECTIVE THE NEXT PAY PERIOD**

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

Smith asked that all timesheets be approved by the trustees so this does not come back on her. Flaherty asked that all timesheets be given to Rippel and then she can send him one email with all of them attached and he will address this with her. Heid asked if this included his timesheet and Flaherty said yes. Heid said he read last year’s organizational minutes and noticed that he was supposed to receive a different pay for attending RPC meeting which he had not been doing. Flaherty said his pay is broken down into different things and this was done because it is done outside of normal business hours in the evenings and we can go back and figure it out. Heid said he does go to some during the day but he will add that to his daytime timesheet.

Heid said he created a new process for handling submission of development plans for the rezoning purposes which he feels will save us a lot of anguish and time as they are distributing the load back onto the applicant. Flaherty said mistakes can be made and it helps with liability since we are making them responsible for making the updates. Heid said he has discussed this with Korleski and feels it is well defined and would like to use it one the next applicant. He reviewed the procedure with the trustees and Flaherty said the plan looks clear enough to understand and he has no problem putting it in place and we can always retract it if it doesn’t work.

**RESOLUTION 17-01-45 APPROVE ADOPTING ZONING APPLICATION PROCESS FOR REZONING AS SUBMITTED BY CHET HEID WITH THE NOTES THAT WE WILL BE ADDING THE INDEX CHANGING THE NUMBER OF COPIES AND PUTTING THIS PLACE IMMEDIATELY AS A ZONING PROCEDURE FOR APPLICATION**

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

**Monthly Reports** – Heid stated that last year they brought in \$251,901.36 compared to \$31,232 for 2015.

**Full-time Hours** – Smith said for vacation, holidays, sick days, insurance and fifteen (15) additional hours it would cost the township \$30,000 more a year. This does not include OPERS, Medicare or Worker’s Comp or unemployment. Fleischer said he meet with Rippel and spoke with people since then and he is not opposed with making her full-time as there is value at having someone in the zoning office until 4:00. Smith asked if the process that Heid just provided us wasn’t that taking some of her work away and Fleischer worked out a deal with Ohio Wesleyan to do the newsletter so she will not be doing that and asked if there would be enough work. Flaherty said the new procedure does take a lot out of it but as he stated before he is not looking at this as a zoning position change it is more of a total office admin type thing where is a face and a voice on the phones from 8:00 to 4:30. All other townships around have it. Smith asked what townships he was comparing us to. Flaherty said Liberty, Concorde, Harlem, Orange, and Genoa. Smith said Genoa has 25,000 residents and Orange has 28,000 and Berlin has 7,000. Joe Korleski said Don Brosius asked him once when we were going to get a fulltime clerk and that we can’t run a business like this without one. Flaherty said that is his concern and there is stipulation as he and Heid have talked is making sure that there is a clear understanding of what can and can’t be done with the zoning inspector present. Toni Korleski said she still has a lot of work to do and is overwhelmed. Fleischer said to be as transparent as possible he doesn’t feel the workload justifies making her fulltime and Korleski says she’s overwhelmed and he thinks she’s busy but he doesn’t think in the time that he has been here has he ever been told that this wasn’t done because I didn’t have the time to do it and this past year was the busiest we’ve had since the recession. He thinks there is value in having her till 4:00. Smith said she just wants to make sure that we don’t give it to her and then take it away from her in five years when there is no more land to develop and there is nothing for her to do. Smith asked about vacation time as the handbook states for full-time employees. Flaherty said for him the eight years she worked part-time are really four years of full-time service is the way he looks at it. He said that will be a discussion point with her and he’s willing to give the retrospective of time earned and do it that way. Heid asked what happens when

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she is on vacation for a week or two does he fill in. Flaherty said no and this is all things that need to be discussed further. Smith said her job description also needs to be updated. Bullard said he would like to have the details worked out before she starts. Flaherty said he will come back on the 23<sup>rd</sup> with the revised job description.

**RESOLUTION 17-01-46 APPROVE MOVING ZONING SECRETARY HOURS TO 40 HOURS A WEEK WITH BENEFITS EFFECTIVE FEBRUARY 5, 2017 WITH THE CONDITIONS THAT ON JANUARY 23<sup>RD</sup> WE WILL BRING SOME OF THE CAVEAITS MENTIONED WITH THE OFFICE HOURS AND AN UPDATED JOB DESCRIPTION AS IT IS KNOWN NOW**

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

**Set hearing Date** for Eaststone Crossing, Howard Farms & Westfield Lakes Expansion

**RESOLUTION 17-01-47 APPROVE SETTING HEARING DATE FOR EASTSTONE CROSSING & WESTFIELD LAKES EXPANSION TO 7:30 P.M. ON JANUARY 23, 2017 AND HOWARD FARMS FOR 8:00 P.M. ON JANUARY 23, 2017**

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

**FUTURE MEETINGS:**

- 1/23/17 Trustee Meeting & BZC Hearings
- 1/25/17 – 1/27/17 OTA Winter Conference
- 2/13/17 Trustee Meeting

**LATE ITEMS:**

Bullard said he had calls about Christmas trees not being picked up and called Terry with Republic who said there was so much trash they couldn't get it all but they would be getting them. Bullard suggested that they start working on the newsletter and have an article in it about the fire levy and asked to have it ready by the end of February to be mailed in early March. Smith said Rippel sent an email asking if a wife of a BZA board member could also be on the board and Flaherty said that he didn't see a problem with it, they just want to invite her in for an interview the first meeting in February and Flaherty would have Rippel advertise for applications and interview them all together. Heid said he needed to find someone else to handle the zoning issues regarding the property near him.

**RESOLUTION 17-01-48 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman Bullard at 9:33 p.m.

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

ATTEST: \_\_\_\_\_  
Steve Flaherty, Trustee

\_\_\_\_\_  
Claudia Smith, Fiscal Officer

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