

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Regular Meeting April 10, 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: Merlin Reamer, John Crouse, Joe & Toni Korleski, Joe Ciminello, Shelia Hiddleston, Joe Pichert, Brodi Irwin and Chris Paykoff

PUBLIC COMMENT: Bullard asked if there were any public comments. Merlin Reamer with the Viet Nam Veterans of America Chapter 1095 in Delaware said they had a funeral here a week ago and noticed that there were no flags out for the veterans and he called Bullard to find out what the policy was as they want to offer their services of placing the flags and maintaining them on a monthly basis and would like to offer their assistance with the memorial garden Bullard told him about. Flaherty said he would email them a digital copy of the blueprint of what the landscape architect has drawn up and explained what we are doing in the area. Reamer understands that we maintain the flags on weekly basis which is not something they could do but the Veterans Service Commission will provide the flags. Bullard introduced Irwin who said they take care of them every Monday from Memorial Day to Veterans Day and he doesn't have a very big staff. As far as keeping up with them on a weekly basis their cliental out back push for everything to be perfectly in line and when they have frayed flags or broken sticks and can't get to them in the winter because of other obligations we just don't employ enough when it comes to keeping up with them on a weekly basis during the harsh weather. He said with the monthly thing he gets phone calls every week and has to pull guys off of projects that we are dedicated to financially and send them to fix them. One good wind storm will knock out all 300 that we have back there. Irwin suggested that they come in to discuss how to handle it.

Ellen Mangene with Cub Scouts Pack 348 thanked the trustees for allowing them to use the facilities for their meetings. Flaherty said he wanted to thank the fire department for putting on the Easter Egg Hunt.

RESOLUTION APPROVE THE 3/27/2017 REGULAR MEETING MINUTES AND 17-04-02 DISPENSE WITH THE READING

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

FISCAL OFFICE: March Bank Statement Signed –

March Electronic Payments – Smith said she would have it at the next meeting.

***** 7:15 P.M. TIME CERTAIN***HEALTH DEPARTMENT UPDATES*****

Sheila Hiddleston the Delaware County Health Commissioner gave an update on things happening at the Health District.

***** 7:30 P.M. TIME CERTAIN***THE COTTAGES OF NORTHLAKE WOODS*****

Joe Ciminello gave a presentation of the development stating that it is geared towards empty nesters, there are 15 units that sits on 19.9 acres and fits in well with the area development that has been approved in Berkshire Township. He said they are Shottenstein homes with first floor bedrooms and will be priced at \$250,000. Flaherty asked him to explain about the referendum that happened in the 1990's and Bullard said the issue was about the density as everything around it was big lots. Flaherty asked if this was going to be part of an NCA (New Community Authority) and Ciminello said yes and they have a TIFF on the Berkshire portion and would like to do that with Berlin. Bullard asked if the walking path was going to be mulch as older people will have a hard time if they have wheelchairs or

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scooters and Ciminello said he thought so as the sidewalk runs in the front and connects to the other community. Bullard asked if the fire department was okay with there only being one entrance into the subdivision and Pichert said it is serviced by BST & G. Ciminello gave them the history of the area with Berkshire and they discussed the traffic on 36/37. Flaherty told them about Bob Lamb’s plans for 36/37.

RESOLUTION 17-04-03 APPROVE ADDING EXHIBITS 17 - 21 TO BZC CASE 16-011 COTTAGES OF NORTHLAKE WOODS

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

RESOLUTION 17-04-04 APPROVE APPLICATION BZC 16-011 FOR COTTAGES OF NORTHLAKE WOODS ALONG WITH ALL 21 EXHIBITS

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

FISCAL OFFICE CONTINUED:

Administrative Assistant Job Description – Smith said she sent some emails about duties that Rippel was not told she would be doing. She said she did go through the remote capture training and was willing to do it but Smith feels someone needs to tell her that these will be her duties. Fleischer said we don’t need to itemize every single duty. Smith said no but her job description says any job duties told by the trustees and Smith is not a trustee and Flaherty had previously asked Smith if there were things that she could give to Rippel to do. Flaherty said they had a talk before she went on vacation and he told her to be prepared for the miscellaneous duties as there will be things that aren’t itemized. Smith said she doesn’t think that is the problem it’s who it is coming from. Flaherty said he will talk to her again. Smith said she thought of something else that she could do and that is keeping all the email addresses up to date with all the zoning members & fire department employees coming and going. Flaherty said right now the email addresses are by name right? Smith said yes and it would be easier if we went by BZC1 instead of their names then we wouldn’t have to change the names all the time. Bullard said that would be a wise way to do that.

FIRE DEPARTMENT:

Part-time Fire Fighter Work Period – Pichert said since the part-time staff is working 24 hour shifts now they want to change their traditional work period of 40 hours to what FSLA will allow them to do and will be similar to what the full-time fire fighters have where they can work up to 96 hours in a 14 day work period. They are proposing that part-time fire fighters are permitted to work up to 96 hours in a 14 day work period and any time worked over the 96 hours must be approved by the fire chief or his designee. Any time worked after the 96 hours in a 14 day work period will be compensated 1 ½ times the employees hourly rate in accordance with FSLA law and they still cannot exceed 1,499 hours in a calendar year. Bullard asked if this has been run by Fowler and Pichert said he did ask him and he said they are not labor attorneys. When he talked to Chief Fling at Harlem he said FSLA law does allow you to do it. Bullard suggested that we have Pete Griggs look at it.

RESOLUTION 17-04-05 APPROVE UPTO \$2,000 FOR OUR ATTORNEY’S BROSIUS, JOHNSON & GRIGGS TO REVIEW THE PART-TIME FIRE FIGHTER WORK PERIOD TO BE ADMINISTERED BY ASSISTANT FIRE CHIEF AND BULLARD

Motion: Bullard
Second: Fleischer
Discussion: Flaherty said didn’t we allocate funds at the beginning of the year and Bullard said we allocated up to \$2,000 but we said we wouldn’t spend it without authorization from the board.
Vote: Flaherty yes, Fleischer yes and Bullard yes

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Resignation –

**RESOLUTION ACCEPT RESIGNATION FROM FIRE FIGHTER ANDREW
17-04-06 GLENN EFFECTIVE IMMEDIATELY**

Motion: Fleischer

Second: Bullard

Discussion: Bullard asked if he gave us a letter other than what Chief Hall gave him. Flaherty said he came in and talked to someone at the station and verbally told them after receiving the letter from the chief.

Vote: Fleischer yes, Bullard yes and Flaherty yes

Bullard asked if the truck was back and Pichert said it was. Bullard said Pichert and Irwin have been discussing repairing the parking lot at the fire station and the fire department wants to borrow some money so the project can be completed at one time. Pichert said this eliminates all the joints and we only pay for the equipment to be hauled once. Irwin said they have made repairs to the parking lot but have more to do and when it was built it was not built strong enough. Fleischer said it needs to be done and he doesn't have a problem loaning the money but wants them to build the repayment amount into their budget so if the levy doesn't pass we can make sure the loan is paid back. Pichert said he and Irwin need to figure out how much it might cost. Bullard said we are able to buy the asphalt on the county bid program and Irwin said Hill's Blacktop was able to buy it from a small company in Centerburg cheaper. Pichert said they need to talk to the county engineer's office to see what their plans are for the corner because they don't want to put a lot of money into the parking lot to find out they need to rip it up to put utilities in. They discussed what needs to be done to fix it and how to go about getting proposals.

Pichert said a Deferred Compensation representative was coming out April 26 & 27th at 9:30 a.m. in the fire station training room to talk to the employees. He said it is open to full and part time employees.

ROAD DEPARTMENT:

4 - 10 Hour Days – Bullard said he thinks giving Irwin the ability to schedule work whenever it makes sense as far as when we have projects should be within the purview of the road superintendent to be able to do that. He doesn't think that we need anyone to be here back in the office with Rippel being here now she can take messages or he can check the phone messages when he gets back. He thinks this is all possible and make is possible to not have anybody here on a Friday. If it's an emergency she can call you. If you work a twelve hour day one day and an eight hour day the next that is all within the purview of what you are doing, let's do what makes sense. Flaherty asked Irwin if he was anticipating doing 4 10's during the winter, so as a threshold, do we want to say April through November. Irwin said let him decide when it isn't making sense anymore. When they get into plowing snow they really need to be here five days a week and when they are working projects in the summer with Roger and Bruce wants to work on a Friday we need to work five 8's that week. Paykoff will be here three eight hour days. He said with his discussions with Hubbard he understands that it will not be that way every week and can change at any given moment. We are trying to help you guys be more efficient with our time to try to get as much done as we can.

Bullard said where it gets tricky is with holidays, vacation and sick days. If you call in sick and everyone is working ten hours then it is ten hours of sick pay or if you take a vacation day its ten hours of vacation if you're looking at a ten hour day, it's not an eight hour day because that is what you want to do at that point in time. Irwin said his remedy to try to keep that fair to the township from an employee so that we aren't trying to stick it to you and get free stuff that we didn't earn is when we get a holiday it's an eight hour holiday so if we are working four tens that week and we have a holiday on Monday and we come in and work three more days, that eight hour holiday that we earned all the times regardless during the winter time we will need to figure out how we want to make up the other two hours, if we need to work over an extra hour over on two days. Flaherty asked how vacation was credited and Smith said it is given to them on their anniversary date in a lump sum. Bullard said sick days are accrued. Irwin said someone is going to have to work two hours to make their time up and that's not cheating the township and not taking anything from you than we have ever before, it's being honest and everything thinks that's how it should be. Sick days, holidays and vacation days are eight hour days and it's not fair to us to take ten hours. Irwin said we forfeit the hours than you only pay us for thirty eight hours that

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week. Smith said if you call in sick on a week that you are working 4 ten hour days, Irwin said you should not pay me more than eight hours and it is going to hurt him more than it is us as he has to come in on Friday and work two hours or stay over an hour or two to make forty hours for the week. He said he forfeited the ten hour work day when he called in sick. Bullard proposed that we make it that Irwin can schedule the work days that make sense and work hours that make sense for the department till the fall and then we can look at it and if there's a problem we will fix it. Irwin said when he is asking for time off and he is working ten hours that day he gets ten deducted off his vacation time but if he's sick he only gets paid for eight hours and if it's a holiday he only gets paid eight hours. Smith asked for clarification and Irwin said they will be working 4 ten hour days but if they are working on a project and a contractor wants to be here on Friday they will adjust their work week. Smith asked what days they plan on working and Irwin said Monday through Thursday and Smith asked what happens if a holiday falls on a Friday. Irwin said there weren't any coming up. Smith said maybe not this year but it will come up sometime. Flaherty said in three years the 4th of July will be on a Friday. Irwin said your guys approved me and my guys to work only forty hours a week unless I come to the board for approval and the board has already approved that a long time ago provided that my liaison gives me the permission so at that point in time, I could work sixty hours that week and you're only going to pay me for forty because that is what your guys approved. Whenever I have overtime you know about it. If we just randomly come in and work overtime we aren't going to get paid for it. Bullard said we want to work as efficiently as we can but the taxpayers may take a dim view of not having anyone here on Friday. So if that happens we may have to revisit this. Irwin said that was fine. Flaherty said Bullard is giving the superintendent the authority to set hours however he sees fit so the only thing he would say is that at minimum we remain at four days coverage so you are not at a point where you work two fourteen's and a twelve on Monday, Tuesday and Wednesday and then say "see ya" we aren't working Thursday or Friday. This would be his only stipulation. Irwin said after a certain amount of hours you get to the point where you aren't efficient any longer and 4 10s is the stretch.

Irwin said the people that he deals with constantly have his number and there is nothing for him to get calls about driveway inspections at 5:30 – 6:00 at night asking if I can do a driveway inspection the next day. He said he always answers this stuff and takes care of this business outside of here and this is something that the trustees don't see. He said they get up every day and just know that it happened and us here have had our mind in it for twenty four hours a day. The snow always got plowed and the funeral always got done after hours on Saturdays and in the rain. The driveway permits always got their numbers written down somehow outside of work hours. Signs got fixed on Saturday nights at 10:00 and we are so far all over the board with all that, that it is hard to pin down an 8 to 4 job. Those are our main work hours and we will try to keep that as our kore, 7 to 5 in the summer time and 8 to 4 during the winter because we are here during business hours.

**RESOLUTION
17-04-07**

APPROVE ALLOWING THE ROAD SUPERINTENDENT TO SET THE HOURS WITH A TARGET OF EIGHT HOURS FIVE DAYS A WEEK BUT COULD BE MODIFIED TO FOUR TEN HOUR DAYS OR ANY COMBINATION THEREOF AS LONG AS WE MAINTAIN FOUR DAYS OF COVERAGE, TO MEET THE WORK NEEDS AND NEEDS OF THE PROJECTS AS THE ROAD SUPERINTENDENT SEES FIT, WHICH MAY RESULT IN NOT HAVING ANYONE HERE ON FRIDAYS BUT ALL MESSAGES SHOULD GO TO CATHY RIPPEL. VACATIONS WILL BE HOUR FOR HOUR.

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

Road Department Job Description – Bullard said he had a list that Cannon put together for doing funerals and he went over it with Irwin and listed the things that made sense to be added to his job description. Bullard read the list and will add it to the job description and bring it to the next meeting.

New Truck Purchase – Irwin said with having Hubbard as a full-time person and being able to get more things accomplished where he has these guys come mowing season having two tractors going and he'll have a week and a half to two weeks of mowing at a time and then he has chores from them to do in the little Ford pickup truck. Three of them with one vehicle is not cutting it and he feels it is time for them to get a pickup. It needs to be big

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enough to haul some weight. A \$150,000 truck is too expensive to be using as a pickup truck and people don't want them sitting in their parking lot and they are too big to turn around in driveways or sitting on the side of the road. He said with them doing the ADA ramps he will be spending a lot of time in a truck with a notepad measuring them by himself while the guys are doing other things. He said the exhaust on the Ford truck is clogged up and needs to be fixed so they are in a jam while it's being fixed as they have three guys with nothing to drive. He said he runs into things constantly and when he leaves here and gets a call for stop signs that need fixed or downed trees, he uses his own truck carrying stuff. Sometime he has to leave his family on Saturday night at 7:00 and if it's as simple as running over with his truck and fixing it real quick and going right back rather than coming over here picking up a truck, coming back and seeing what he needs and getting the parts and back over to fix it then coming back to get my truck and going back over there I have just left them for three hours. Irwin said being loyal twenty four hours a day like that sucks that he has been using his own stuff to do it with and he doesn't care how much money someone wants to give him he doesn't want to use his own vehicle for company use. He said he is five seconds from the township line so he needs a truck to use. Bullard asked Pichert if they use the old grass truck and Pichert said they do. Irwin said the truck he is looking at has a 30% discount on it for state bid contract.

Bullard said they did not budget it for it and Flaherty said they need to make sure that they plan ahead so they don't have purchases for large ticket items out of the blue. Irwin said they don't have anything in the five year plan for that so if they want to wait five more years for it. Flaherty said they do the budget every year in July to try to look to the future. Irwin asked if they had a solution for their travels then. Flaherty said this just came up all of a sudden versus last year when we were looking at the budget, they were hiring another guy think we might need a pickup truck for it. He understands that things arise but we need to be diligent. Irwin said he was sorry but he can't see into the future and he doesn't ask for more than what they use and he didn't realize how much they needed it. Flaherty said the trustees need to take more consideration of the budget long term and critically think about some of where we are at as we had an unprecedented year last year with the growth and the number of subdivisions coming in and may not slow down much in the future. Irwin said driving the big truck around for two years has depreciated it \$28,000 so he wants to keep it off the road so it will last years. Irwin said having another full-time person they have been able to accomplish so much more work and having him in particular has been a godsend. Bullard said they have looked at what they county has and they are junk.

Flaherty said when this was brought to us before Bullard said it would stay here to be used by trustees and asked Irwin if he was proposing to take it home and Irwin said he would like to yes to use it for our work purposes. Smith said there would be tax implications on that and Irwin asked what. Smith said it is a fringe benefit and Flaherty said he would have to keep track of his mileage and document it each week and turn in a weekly or monthly mileage report and an annual. Anything to and from work is considered personal mileage and then you are taxed on that at the mileage rate. Flaherty said his normal daily commute is considered personal and would be put on his W2 as additional compensation as income. Irwin said he doesn't see where that would be a big deal for himself. Flaherty said he is responsible for keeping track of the mileage and since we get audited every two years Smith would have to show the mileage log. Bullard said we need to write some parameter's around why they are doing it and go from there. He understands what Irwin is saying and they understand what the cost is but he is not comfortable with just spending money because it is a good idea and he thinks it's a good idea but he thinks they should have some reason why they are doing it. Is it to keep miles off the other trucks or is it to have a truck available for other people to use. Irwin said he just gave them ten ideas why. Flaherty said he is not questioning the pickup truck but when it was first presented Bullard as the liaison said it would stay here and would be for township use. He doesn't have a problem making the purchase of the truck based on the needs he has seen so if he wants to write something up about the use and bring it back later. Irwin said it takes four months for them to make them. He said driving it back and forth to work 9/10s outside the township does not benefit him anything but when he leaves the house it keeps him from using his personal stuff and there are a lot of times he goes to engineers office before he comes to work and his truck costs twice what this truck costs and he doesn't want to wear it out for township business. Smith said she doesn't want to wear hers out and she's sure Heid doesn't want to wear his out so do they get a vehicle too. Irwin said it comes down to if you don't have a vehicle for the guys to go out and do work you just don't have a business. Fleischer said he assumes while the truck is parked here other employees could use it. Flaherty said he doesn't see it being a superintendents truck or personal truck but a township truck and we come up with

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rules on how to handle him taking it home as part of his responsibilities'. They discussed how former Chief Bechstein used the fire department vehicle and that there are rules in the employee handbook regarding township vehicles. Flaherty said between Bullard and Irwin they need to figure out what the rules will be and bring it to the next meeting.

RESOLUTION 17-04-08 APPROVE \$28,759 TO BOB ROSS AUTO GROUP FOR 2017 GMC 2500 PICKUP TRUCK FOR THE ROAD DEPARTMENT

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

Irwin gave Bullard a summary of the spring road meeting that he missed that morning.

RESOLUTION 17-04-09 APPROVE REQUEST FOR ENGINEERING ASSISTANCE FROM THE DELAWARE COUNTY ENGINEER FOR PIATT ROAD FROM PEACHBLOW ROAD TO CHESHIRE ROAD

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

OLD BUSINESS:

Cemetery Updates/Columbarium's – Flaherty said he sent the landscape plans to the columbarium company and waiting to hear back.

Jake Brake/Noise Ordinance – Fleischer said he is still waiting on Fowler on the questions we had.

Hall Rental Calendar – Smith said she put this on here as we have talked about it before but nothing has been done and it would be easier to have it electronically than having to check Rippel's calendar.

Cloud Estimate – Fleischer said he meet with Accent last week and they will be getting a quote to us. He asked them for two quotes, one to move us to the cloud and one for them to completely take over management of our system since they already manage our phones and emails it makes sense to move everything to them. He said they told him to get fiber would be \$300 a month and \$299 connection fee and connection is out front through Spectrum.

TRUSTEE ITEMS:

Fleischer said he got a call from the Girl Scouts saying they were putting the bat boxes on private property.

ZONING DEPARTMENT: Nothing

FUTURE MEETINGS:

- 5/6/17 Township Cleanup Day
- 5/8/17 Trustee Meeting
- 5/22/17 Trustee Meeting
- 6/12/17 Trustee Meeting

LATE ITEMS:

RESOLUTION 17-04-10 APPROVE \$3,260.00 TO GLENN EXCAVATING TO INSTALL TWO CATCH BASINS AND A CROSSOVER PIPE AT THE WEST END OF HEVERLO ROAD

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

Flaherty said he spoke to Bob Lamb the Delaware County Economic Development Director to discuss the counties plan for 36/37 and wanting to work with the township to put together a plan and to get the projects as shovel ready as possible. They are looking at

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more restaurant and neighborhood commercial east of the lake and the peninsula between the two more residential maybe some lighter commercial with a little bit if retail but from the west side of the lake all the way to the distribution center they see as logistics or boutique manufacturers or light industrial. There would be a JEDD overtop of this and that is what we are working on with Evans Farms. As part of the JEDD an annexation agreement would be part of it. He will continue to work with them.

**RESOLUTION MOTION TO ADJOURN
17-04-11**

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

Meeting adjourned by Chairman Bullard at 10:14 p.m.

Ron Bullard, Trustee

ATTEST:

Steve Flaherty, Trustee

Claudia Smith, Fiscal Officer

Adam Fleischer, Trustee