

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Regular Meeting July 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 Doug Riedel

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

ATTENDANCE: Craig Hall, Doug Riedel, Toni & Joe Korleski, Candice Myers, Aaron Underhill, Doug Tailford, Josh Barker, and Frank Harmon

PUBLIC COMMENT: Bullard asked if there were any public comments. Riedel said he sent the trustees an email with a preliminary cost to widen Piatt Road from Peachblow to Cheshire Road and asked if there were any questions. Bullard asked if they were looking at curb-n-gutter on the south part of it and Riedel said yes, curb-n-gutter is more expensive but it does reduce your right-of-way impact. He was thinking of doing curb-n-gutter from Peachblow to the culvert north and then open ditch. When the land on the west and east side of the road develops they would have some responsibility of road widening and improvements. Bullard asked if curb-n-gutter would cut down on any of the utilities having to be moved and Riedel said possibly. He said any utilities in the right-of-way are there at your beck and call to have it moved at their own cost. Fleischer said even though the township does not have to bear the cost of having the utilities moved it would take longer. Riedel said utility relocation is a difficult subject and they have a hard time getting them to relocate. Bullard asked if there was any money to help us and Riedel said the OPWC grant is something he encourages the trustees to apply for as this type of project would rank very favorably. Riedel said a single lane round-about is planned for Piatt Road and Cheshire Rd. Flaherty asked if this would line up with the same timeline as the Cheshire and Old State Road round-about. Hall said the meeting he was at they said they wanted to try to both of them at the same time. Flaherty said we would be applying for the OPWC grant for Piatt Road in 2018 for a projected start date of 2019 and asked if this puts us too far out on improving that road with the extension going through. Riedel said they don't even have a consultant on board yet to move ahead with this project.

Joe Korleski asked them to consider make the round-about a double lane one round-about of a single lane as traffic is only going to get worse with the developments coming in and makes more sense to do it now than redo it later. Bullard asked what the one at Cheshire and Old State was going to be and was told it also would be a single lane. Riedel said he would pass along their concerns. Toni Korleski asked if they were planning on widening South Old State Road at 36/37. Riedel said they have a consultant looking at it but they only have so much money to spend.

RESOLUTION 17-07-01 APPROVE THE 6/12/2017 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 17-07-02 APPROVE THE 6/26/2017 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING

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

FISCAL OFFICE:
Trustees signed the June bank statement and electronic payment sheets.

*****7:30 P.M. TIME CERTAIN***BZC 16-012 THE PINES*****

Bullard said since The Pines property borders his property he will recuse himself from anything associated with it had every little input involved in it and left the meeting room.

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

July 10,

17

Flaherty asked if the hearing had been advertised and Smith said it had. Kevin president of MI Homes said there were 175.6 acres with plans for 177 houses that includes the Davis lot, under contract and control and they are seeking R2 PRD zoning and presented their development plan to the trustees. He said they are partnering with another builder and are giving 1/3 of their lots to Rockford Homes but keeping control of all of the development. Kevin said this is probably a three-and-a-half-year project from start to finish and plans on starting spring of 2018.

RESOLUTION 17-07-03 APPROVE BZC 16-012 THE PINES WITH ALL EXHIBITS 2 THROUGH 5 WITH THE NOTED ALTERATION AMENDMENTS COMING FROM THE BZC

Exhibits BZC Case # 16-012, The Pines

- 2.) BZC agenda, sign in sheets & minutes for meetings dated January 10, 2017, February 28, 2017, April 11, 2017 & May 9, 2017.
- 3.) Rezone conclusion letter for BZC Case # 16-012, The Pines, Toni Korleski, BZC Chair dated June 14, 2017.
- 4.) Request of publication via email in the Delaware Gazette dated June 23, 2017.
- 5.) Proof of Publication - Delaware Gazette dated June 28, 2017.

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

Bullard returned to the meeting at 8:09 p.m.

FISCAL OFFICE CONTINUED –

2018 Budget – Smith said she received the fire departments budget only. Flaherty said he will get his. Bullard said we have a fund for sidewalk repairs and is asking that we add another fund for the cost for doing the ADA sidewalks. Smith said she had increased the zoning revenue 2018 but talked to Heid who said he did not see any large developments coming in in 2018 so she lowered it. Bullard said until we get sewer at 36/37 we are not going to get any big developments.

Bullard said the property on the corner of Old State and Cheshire has had the price reduced a number of times. One house has sold and the other is in contract. He spoke to the realtor that said the price was in the \$300,000 to \$400,000 range. He said we have a lot of expenses coming up and asked if we had \$300,000 to put towards it. He said the property is worth \$300,000 or more and if we took it over and put our money towards it there's nothing to say that we couldn't sell it in 3 to 5 years for more. Smith said the house is going to need work and the pond needs cleaned out. Flaherty said our insurance would go up but we need to look at long term and what you are giving your residents. Bullard said we could put a backup offer in and he could put enough contingencies in to say we are not there and we can step away from it. Fleischer said he doesn't review it as an investment in a fiscal sense and he understands that we could feasibly sell it again in five years. Bullard said it is an asset that we could use for the community. Smith said she thinks they need to have a plan of what they want to do with it before they put an offer in and Fleischer said he agrees. He said residents are constantly asking for more amenities such as a pool and ball diamonds but our response to that is that we have Alum Creek Park in the township, there's Orange Pool and it's hard to justify the cost. Flaherty said we can submit a backup offer with contingencies and can always say no we don't want to go through with it. He said we would have to start planning for a parks levy to generate revenue for maintenance etc.

TRUSTEE ITEMS –

OPEC – Bullard said we were a part of the OPEC Health Care Consortium and the cost of the consortium is pretty high. We sent a letter saying we wanted to withdraw which gives us time to take a look at it and evaluate it. Frank Harmon explained the history of the consortium and that they were eight million dollars in the hole and explained the new plan. Bullard asked Harmon to get us quotes on other plans for the next meeting in August.

FIRE DEPARTMENT:

Fire Levy – Fleischer said he spoke with Pichert who said we need to rescind the previous resolution because there is new ballot wording.

RESOLUTION APPROVE RECINDING RESOLUTION 17-01-42 WHICH WAS A

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Regular Meeting July 10, 17

17-07-04 RESOLUTION FOR NECESSITY FOR THE UPCOMING FIRE LEVY

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

RESOLUTION 17-07-05 APPROVE A RESOLUTION OF NECESSITY TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION TO PROVIDE FOR FIRE PROTECTION (R.C. §§ 5705.03, 5705.19(I), 5705.191, and 5705.25)

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

A RESOLUTION OF NECESSITY TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION TO PROVIDE FOR FIRE PROTECTION (R.C. §§ 5705.03, 5705.19(I), 5705.191, and 5705.25)

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in regular session on the 10th day of July, 2017 with the following members present:

Ron Bullard, Steve Flaherty and Adam Fleischer

Adam 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, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for 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, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs; 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:

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Regular Meeting

July 10,

17

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, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for 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, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs, 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 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.

Steve Flaherty seconded the motion.

Voted on and signed this 10th day of July, 2017 in Berlin Township, Delaware County, Ohio.

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

Flaherty said it looks like this gives us more freedom of purchase and Fire Chief Hall said “Yes”. Flaherty said we need a new certification from the auditor and a new resolution to proceed from Fowler and will need to have a special meeting to approve the new resolution.

Fire Fighter Kirby Resignation –

RESOLUTION ACCEPT FIRE FIGHTER TYLER KIRBY’S RESIGNATION
17-07-06 EFFECTIVE JULY 1, 2017

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

Remove Captain Carr from Probation –

RESOLUTION APPROVE REMOVING CAPTAIN CARR FROM STEP ONE
17-07-07 PROBATION AND PLACING HIM ON STEP TWO EFFECTIVE
JULY 30, 2017

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Regular Meeting July 10, 17

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

Chief Hall said they were going to have interviews Saturday but one of the candidates pulled out after talking to O P & F. They decided to re-advertise the position. He has a person to replace Kirby who works fulltime for Concord Township and came highly recommended. He said Concord is getting ready to do their physicals so they will just use the results so that we don't have to pay for another one.

Chief Hall said they were contacted by the Army that they are doing exercises at Alum Creek State Park and are looking for a place to land if they had to. He has an agreement for them to sign. Bullard said he asked Fowler and he didn't have a problem with it.

RESOLUTION 17-07-08 APPROVE LANDING ZONE AGREEMENT WITH THE OHIO ARMY NATIONAL GUARD TO USE THE PROPERTY LOCATED AT THE BERLIN TOWNSHIP FIRE DEPARTMENT AT 2708 LACKEY OLD STATE ROAD

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

OLD BUSINESS:

Cemetery Updates/Columbarium's – Nothing new. Flaherty said he is waiting on the landscaper and the columbarium people.

Road Department Job Description – Nothing new.

Updated Website/Hall Rental Calendar -

RESOLUTION 17-07-09 APPROVE \$5,000 TO ALPHA DOG INC. FOR WEBSITE DESIGN AND SETUP AND TAKE ADVANTAGE OF THE SAVINGS BY PAYING IN FULL UPFRONT AND THAT TRUSTEE FLAHERTY WILL HANDLE THE ADMINISTRATION OF IT

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

CEMETERY – Flaherty said the landscape company he had that was cutting the grass has gone MIA and will not return his phone calls. He doesn't know what happened. He said it is still not our issue but he is trying to keep it functional. The only interest in it is the nine acres in the back.

ROAD DEPARTMENT:

Requisition –

RESOLUTION 17-07-10 APPROVE \$9,700 TO GLENN EXCAVATING FOR CROSSOVER PIPE REPAIR ON PLUNKETT RD

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

2018 OPWC –

Bullard said he had the figures redone with us paying 30% of the cost of the repairs.

RESOLUTION 17-07-11 APPROVE APPLYING FOR 2018 OPWC GRANT FOR WORK TO BE DONE ON CURVE ROAD USING THE JULY 3 ESTIMATE AS PROVIDED BY THE COUNTY ENGINEER WHICH PROVIDES 30% FROM BERLIN TOWNSHIP, 8.4% FROM DELAWARE COUNTY AND 61.6% FROM OPWC IN THE TOTAL OF \$591,843.07 AND

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Regular Meeting July 10, 17

THAT TRUSTEE BULLARD BE APPOINTED TO MAKE SURE THAT EVERYTHING IS SIGNED AND FILED PROPERLY

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

Bullard said John Wicks is the developer for Berlin Manor who said he needs to widen the road by the township and is going to need some right-of-way from us in order to do that. Bullard said we could try to trade the right-of-way for the land that goes by the cemetery as the land would be worth more to us than the money we get from the right-of-lane. He said the road is going to be five lanes in front of the township house and will extend from the front of our property all the way to the other end of Rippel's property. There will be right in and right out lanes. Bullard said we can negotiate something.

ZONING DEPARTMENT:

March Zoning Report – Flaherty said it was a big month with a lot of new homes.

Worthington Arms Refund -

Flaherty asked if this had been heard at one of the BZA meetings. Smith said she did not think they had but there were charges for the court reporter and Lisa Knapp. Flaherty said they pulled out before the meeting and probably had the court reported scheduled.

RESOLUTION 17-07-12 APPROVE \$325.16 BE REFUNDED TO WORTHINGTON ARMS LLC FOR BZA CASE 17-002. REFUND IS THE AMOUNT LEFT OVER AFTER ALL COSTS INCURED BY THE TOWNSHIP TO SET UP THE HEARING WHICH WAS CANCELLED TWO DAYS PRIOR TO THE HEARING

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

LATE ITEMS: None

FUTURE MEETINGS:

8/14/17 Trustee Meeting
9/11/17 Spring Roads Meeting & Trustee Meeting
9/25/17 Trustee Meeting

RESOLUTION 17-07-13 MOTION TO ADJOURN

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

Meeting adjourned by Chairman Bullard at 10:13 p.m.

Ron Bullard, Trustee

ATTEST: _____
Steve Flaherty, Trustee

Claudia Smith, Fiscal Officer

Adam Fleischer, Trustee