

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Trustee Meeting February 25, 19

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

CALL TO ORDER: Ken O'Brien, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ken O'Brien led the Pledge of Allegiance

ROLL CALL: Ken O'Brien, Tom D'Amico and Ron Bullard and Claudia Smith, Fiscal Officer.

ATTENDANCE: Don Hackworth, Connie Klema, Dustin Kent, Joe Pichert, Craig Hall, Ron Miller, John Wicks, Jack Reynolds, Jim Olen, J. Tincher, Chris Paykoff, Philip Germann and Lanetta Elliott

PUBLIC COMMENT: O'Brien asked if there were any public comments. Don Hackworth Said he was a long time resident of Cheshire asked the trustees if it was possible to have Cheshire Village Limits signs installed. O'Brien said unfortunately it is not an incorporated Village. He said it was platted but not incorporated. Hackworth said they have nine businesses in Cheshire and he talked to the Delaware County Engineer's office that said it would not be a problem for the township to put the signs up. O'Brien asked Fowler who said they could as long as they did not look like road signs. Fowler said Kilbourne has one. D'Amico will check into. O'Brien asked if there were any other public comments, hearing none they moved on to the next item on the agenda.

RESOLUTION 19-02-03 APPROVE THE 2/11/2019 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

Motion: D'Amico
Second: O'Brien
Vote: O'Brien yes, D'Amico yes and Bullard abstain

Fire Department – Full-time Fire Fighter Position- O'Brien asked that we go into executive session.

RESOLUTION 19-02-04 RECESS TO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT OF A PUBLIC EMPLOYEE-THREE TRUSTEES, FIRE CHIEF, ASSISTANT FIRE CHIEF, PROSECUTING ATTORNEY AND FISCAL OFFICER ATTEND-7:10 P.M.

Motion: O'Brien
Second: D'Amico
Vote: O'Brien yes, D'Amico yes and Bullard yes

RESOLUTION 19-02-05 MOTION TO RETURN TO REGULAR SESSION AT 7:34 P.M

Motion: O'Brien
Second: Bullard
Vote: D'Amico yes, Bullard yes and O'Brien yes

O'Brien "We met in executive session to discuss employment of a public employee and no decisions were made and no actions were taken."

Requisitions – RESOLUTION 19-02-06 APPROVE \$3,960 TO BOWLING GREEN STATE UNIVERSITY FOR CERTIFIED RESCUE TECHNICIAN COURSE FOR FULL-TIME FIGHTER SWANSON

Motion: O'Brien
Second: Bullard
Vote: D'Amico yes, Bullard yes and O'Brien yes

O'Brien called back to order BZC hearing 18-002 AAT Properties Limited. John Oney said there were a few items that we requested of them at the last meeting. The first item was

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the procedure to vacate Township Road 123A and they have an exhibit, which was the map of the area to be vacated and correspondence from Connie Klema Attorney requesting that the township vacate the road. Klema said she discussed this with Fowler and they are requesting that they consider taking the path of the Ohio Revised Code whereby the township trustees can result to request the vacation since the property owners on both sides are the same. She stated that the county engineer supported this vacation. Klema spoke with Fowler and said she understood their concern about not having the road vacated and yet having the zoning adopted and she suggested that they proceed with the approval of their zoning on the condition of the road vacation. They do not want to proceed with vacating the road without knowing that they have the zoning. O'Brien said he understood that but understands the boards concerns that the road be vacated and then the development not happen. Klema said that by approving the zoning on the condition that the road be vacated it would be insurance to them that if it is vacated the zoning goes into effect immediately so they can proceed. O'Brien asked who would happen if they decide not to build and Klema said it would not harm the township as it would eliminate the burden of maintaining a road that dead ends into their property. She said they would agree to take the houses down that are on that road.

Bullard said he has difficulty zoning a piece of property where the applicant does not own the right to do anything with it since the road-right-of-way is still the townships. Klema said she would like to know if the rest of the items in the packet were okay and that they would consider approving the application. Oney said they deleted divergence number 5, which was the verbiage for a digital sign. The next item was investigating access to the property to the north, as a possible second access to their property. He has a letter from Judith Hook to the west that said she was not interested in such an easement so they are limited to the one access point on Hyatts Road. Bullard asked if they made any changes to the NAICS codes as that code effect the second access. Klema had a map showing that box trucks and smaller semi tucks could make the radius turns in the parking lot and therefore did not need to change the NAICS codes. Bullard said it looked fine but did not know if the designation for furniture stores would limit it to these size trucks. Klema suggested that they post that that size truck cannot come through or prohibit generally in their text that the large semi-trucks are not permitted to make deliveries on their site or off their site and that, any tenant would have to agree to this in order to be there. Bullard said that makes sense to him. Fowler explained the process and time frame of vacating a road. Klema requested that we postpone the hearing until July 8, 2019

RESOLUTION 19-02-07 APPROVE POSTPONING, CONTINUING AND RECESSING THE HEARING FOR AAT PROPERTIES LTD. BZC 18-002 TO JULY 8, 2019 AT 7:30 P.M. PER THE APPLICANTS REQUEST

Motion: O'Brien
Second: Bullard
Vote: Bullard yes, O'Brien yes and D'Amico yes

O'Brien said we have BZC 18-001 net but he would like to take a 5-minute recess to allow time to set up.

O'Brien called to order BZC hearing 18-002 at 8:12 p.m.

John Wicks said he was looking for preliminary development plan approval for Villas of Old Harbor which is a 140 unit patio project located on the north side of Hollenback Road. There are two phases, phase one is on the east side of South Old State Road and has 50 patio homes. Phase two is on the west side and has 90 patio homes. He stated the development is unique as it targets the active adult 55 year old and over. The plan has been approved by Regional Planning and by the BZC. He said it has been brought to his attention that the area is lacking this type of product as residents in the area are looking to downsize but want to stay in the area. In response to that the BZC adopted a TPUD, Transitional Planned Unit District to be able to provide different types of housing projects like this one. He explained that it is designed to appeal to the 55 and over age demographics and not designed to appeal to families with children. They have first floor living space, large spaces, fewer rooms, covered patios or court yard areas for privacy but no yards. Maintenance free living is the main component and has become popular in the last decade or so. This will be the first gated community in Berlin Township with over 40% open space. They are showing a private clubhouse and pool, pickle ball and hockey courts, fishing ponds and other activity areas. Paved paths and sidewalks are also on at least one side of

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the road. Since the streets within the development are privately maintained there, would be no cost to the township for repairs or snow plowing. A resident brought up the idea to keep and maintain the current boat and RV storage area as many residents in the area have boats and RVs but nowhere to store them so they thought it sounded like a good idea to continue to own and operate it as a private facility for residents only. Wicks stated that it has very low impact on the schools.

Jim Olen with Romanelli & Hughes says they are excited about the opportunity to build in the area, in phase one and showed what the house plans could possibly look like. The price range would be \$450,000 to \$550,000. O'Brien had a number of issues with wording and said it was too squishy. He said he was not in favor of 140 units and the boat storage as he does not think it fits. Wicks said these were just the preliminary plans and it would be more specific in the final development plans. O'Brien was concerned with the acreage figures listed on one sheet that it did not match the acreage figures on another page. Wicks explained it.

D'Amico did not like that such a high density area was placed next door to residential property owners. He likes the concept of patio style homes for people that do not want to do the maintenance. He said you call it downsizing but homes will be starting in the \$400,000. Wicks said it is not going down in price; it's going down in size. D'Amico said the only way he could think about approving something like this is if the setbacks were bigger and the density were lower. Mr. Wicks said he had a chart that he said former Berlin Township zoning inspector Chet Heid created that shows the actual densities of subdivisions in the area. He said Piatt Meadows is 2.5 units/net developable acre. He said that development has the same traffic and school impacts that every single family subdivision does, but the proposed development would not. The tradeoff is that this fills a need in the township as there are no empty nester projects and there is no impact to the schools. He said the fact that there are no residents here against the project speaks for itself. He stated if they have to give something up they were willing to give up the boat & RV storage. O'Brien said if the boat & RV storage was removed they would have room to put in decorative ponds and the flexibility to change the geometry of the roads.

Bullard said he would like to see the architectural standards in writing as opposed to seeing the pretty pictures. Wicks said that is more of a design item that would be in the final development plans giving the trustees the opportunity to review that. Bullard said he would like to see more of what the standards are supposed to be for the houses. He said they are also showing 75% front loading garages and he does not think they look as attractive as side loading garages. He asked what the paths would be made of and Wicks said they stated that it would be concrete or asphalt. Bullard said this development would have a very positive impact on school taxes for everyone in the community. O'Brien asked whether the owners of the properties with the lot splits have agreed to the deed restrictions regarding future development. Mr. Wicks said "yes." O'Brien asked whether it was correct that those portions were not included in the acreage. Mr. Wicks said it is not included in the acreage in the application, but it is included in the area that the development would control and with that control, any other additional developments can be restricted.

O'Brien called for a 5-minute recess.

O'Brien asked if anyone wanted to speak in favor of the development. Germann, Elliott, and Tinchler, spoke as to why they were in favor of the development. Bullard said he did not have a problem with the development but he would like to see the plan cleaned up as far as nailing down the architectural stands and the front loading garages. O'Brien said he would not vote for 140 units with the boat & RV storage. He asked what the roads would be like and Wicks said they would be curb-an-gutter. D'Amico asked if the east side would have a clubhouse and Olen said since they were splitting up the amenities, he would like to have something on his side. He may do a gathering center with a fire-pit, but not a clubhouse or swimming pool. Wicks said the west side would have these in the final development plans. D'Amico asked if they could commit to a price point for the housing on the west. Wicks said the builders he is talking to say they will have something a little less than the Romanelli & Hughes homes on the east side and may start at \$280,000 for homes with two bedrooms and no basement. Bullard said he would like to see the text for the deed restrictions for the out parcels. O'Brien said he would like to have them come back after they have had time to get the perfect wording. He asked if they were looking at keeping the boat storage or the 140 units. Wicks said he would rather have the 140 units.

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RESOLUTION 19-02-08 APPROVE POSTPONING, CONTINUING AND RECESSING THE HEARING FOR JOHN WICKS BZC 18-001 TO MARCH 11, 2019 AT 8:00 P.M. PER THE APPLICANTS REQUEST

Motion: O'Brien
Second: Bullard
Vote: Bullard yes, O'Brien yes and D'Amico yes

Fire – Requisitions Continued – Pichert explained that they want to change out the lights at the firehouse to LED. Half of the fixtures are not working so he will need to change them out.

RESOLUTION 19-02-09 APPROVE \$4,175.38 TO JHB CONSTRUCTION LLC FOR UPGRADES TO LIGHTS IN THE TRAINING AND SMALL CONFERENCE ROOM AT THE FIRE STATION

Motion: Bullard
Second: D'Amico
Vote: O'Brien abstain, D'Amico yes and Bullard yes

RESOLUTION 19-02-10 APPROVE REQUESTING THE VACATING OF TOWNSHIP ROAD 123A

IN THE MATTER OF PETITIONING THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO VACATE TOWNSHIP ROAD 123A

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in open for the regular meeting on the 25th day of February 2019.

Bullard Moved the adoption of the following Resolution.

PREAMBLE

WHEREAS, pursuant to R.C. § 5553.045(B), the Board may petition the board of county commissioners to vacate a township road by passing a resolution that requests the vacation and provides a description of the general route and termini of the road; and,

WHEREAS, Township Road 123A intersects Hyatts Road in a northerly direction just west of Columbus Pike (Rt. 23) and continues north/northeast until it dead ends approximately 200 feet later; and,

WHEREAS, Township Road 123A currently services two residential properties, both of which are owned by AAT Properties Ltd. (“AAT”); and,

WHEREAS, AAT is currently seeking a rezoning of their property to construct a commercial structure, and will be demolishing the residential structures serviced by Township Road 123A; and,

WHEREAS, the Board desires to vacate Township Road 123A for the purpose of the public convenience and welfare, to alleviate the cost of care and maintenance of the road, and because the road will no longer be used for residential purposes or any other purpose.

RESOLUTION

NOW THEREFORE BE IT RESOLVED:

1. Pursuant to R.C. § 5553.045(B), the Board hereby petitions the Delaware County Board of Commissioners to vacate Township Road 123A.

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- 2. The description of the general route and termini of Township Road 123A to be vacated is as follows: the entirety of the road, starting at the intersection with Hyatts Road just west of Columbus Pike (Rt. 23) and continuing in a north/northeastly direction until it dead ends approximately 200 feet later.
- 3. The Fiscal Officer shall file a copy of this Resolution with the Delaware County Board of Commissioners.
- 4. The Fiscal Officer shall certify a copy of this Resolution to the Delaware County Engineer.
- 5. 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.
- 6. This Resolution shall be in full force and effect immediately upon adoption.

D’Amico Seconded the motion.

Voted on and signed this 25th day of February 2019 in Berlin Township, Delaware County, Ohio.

Ken O’Brien, Trustee
Tom D’Amico, Trustee
Ron Bullard, Trustee

Motion: Bullard
Second: D’Amico
Vote: O’Brien yes, D’Amico yes and Bullard yes

**Old Business –
Cemetery Rules & Ossuarium Pricing –** Nothing new.

Fairview Cemetery Updates – O’Brien asked that we discuss this later.

Mileage Certification – Smith said the mileage was correct.

**RESOLUTION APPROVE 2018 TOWNSHIP HIGHWAY SYSTEM MILEAGE
19-02-11 CERTIFICATION OF 35.210 MILES**

Motion: O’Brien
Second: Bullard
Vote: D’Amico yes, O’Brien yes and Bullard yes

**Fiscal Officer Items -
DKMM Solid Waste Plan -**

**RESOLUTION APPROVE THE DELAWARE-KNOX-MARION-MORROW JOINT
19-02-12 SOLID WASTE MANAGEMENT DISTRICT’S PLAN THAT HAS BEEN
WRITTEN BY THE DKMM BOARD TO THE COMMUNITIES FOR
THEIR APPROVAL**

Motion: Bullard
Second: O’Brien
Vote: D’Amico yes, O’Brien yes and Bullard yes

**Cemetery –
Miller Landscaping Maintenance Quote -** D’Amico said they were going to come back to the next meeting, as they did not have all the data they needed.

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Road Department –

D’Amico said Irwin was informed that if we wanted to do more than \$50,000 of roadwork with the Delaware County Engineer’s using the cooperative purchasing we needed this resolution and have it approved by ODOT to participate. Smith said we were supposed to do this every two years.

**RESOLUTION APPROVE ODOT COOPERATIVE PURCHASING AGREEMENT
19-02-13**

**IN THE MATTER OF AUTHORIZING PARTICIPATION
IN ODOT COOPERATIVE PURCHASING PROGRAM**

WHEREAS, Section 5513.01 (B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

NOW, THEREFORE, Be it ordained by Berlin Township:

SECTION 1. That Tom D’ Amico hereby requests authority in the name of Berlin Township to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other afficles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01 (B).

SECTION 2. That Tom D’Amico is hereby authorized to agree in the name of Berlin Township to be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3. That Tom D’Amico is hereby authorized to agree in the name of Berlin Township to directly pay vendors, under each such contract of the Ohio Department of Transportation in which Berlin Township participates, for items it receives pursuant to the contract.

SECTION 4. That Berlin Township agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01 (B) of the Ohio Revised Code. The Berlin Township agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program, which Berlin Township may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

Motion: Bullard
Second: O’Brien
Vote: Bullard yes, O’Brien yes and D’Amico yes

**Requisition –
RESOLUTION APPROVE NOT TO EXCEED \$49,000. TO J & A CONSTRUCTION
19-02-14 INC FOR CRACK SEALING OF SUMMERWOOD SUBDIVISION,
SUMMERWOOD EXTENTION, ROESLAND DRIVE AND
PIATT ROAD**

Motion: D’Amico
Second: Bullard
Vote: Bullard yes, O’Brien yes and D’Amico yes

Hollenback Flooding – Bullard said snow and water are coming from Old Harbor Estates and puddles on Hollenback Road because it is not properly grated. D’Amico said Irwin suggested that we stop issuing permits there but we cannot do that. Bullard said we can go to the county and see what they can do and D’Amico said he has spoken to Riedel.

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Trustee Items –

Bullard said Smith gave him a letter from the attorneys from OPEC that said, we need to pay the run out claims. He suggests that we appropriate the money, he will work with the attorneys, and if he agrees, we will pay it.

RESOLUTION 19-02-15 AUTHORIZE RON BULLARD TO SPEND UPTO \$28,000 TO THE JEFFERSON HEALTH PLAN FOR OPEC RUN OUT CLAIMS

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, D'Amico yes and Bullard yes

Bullard said we received two bids for the mowing and Pony came in lower and they did a good job for us last year.

RESOLUTION 19-02-16 APPROVE DECLARING PONY LAWCARE AND LANDSCAPING AS THE LOWEST AND BEST BIDDER FOR THE MOWING, TRIMMING AND FERTILIZER CONTRACT FOR 2019 FOR THE CEMETERIES, FIRE STATION AND TOWNSHIP HALL AND THAT WE AWARD THE CONTRACT TO THEM

Motion: Bullard
Second: O'Brien
Vote: O'Brien yes, D'Amico yes and Bullard yes

Zoning Department – Nothing

Future Meetings -

- 3/11/19 Trustee Meeting
- 3/25/19 Trustee Meeting
- 4/8/19 Spring Road Meeting and Trustee Meeting
- 4/13/19 Easter Egg Hunt
- 4/22/19 Trustee Meeting

Late Items –

Bullard said he called Tom Forbes from the Public Utilities Commission of Ohio and asked him about snowplow drivers and he cited 49 CFR-39.3F2 and it says that any state government agency is exempt from the CDL hours limit so we do not have to worry about that. He gave the information to Irwin.

D'Amico said we talked about the key pads and we thought they were only \$50 to \$60 but they were \$105. Irwin purchased them and was in the process of installing them. Bullard said Menard's could key the lock to match the keys we have now.

Fairview Cemetery Continued –

RESOLUTION 19-02-17 RECESS TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF ACQUISITION OF PROPERTY-THREE TRUSTEES AND FISCAL OFFICER ATTEND-11:00 P.M.

Motion: O'Brien
Second: Bullard
Vote: D'Amico yes, Bullard yes and O'Brien yes

RESOLUTION 19-02-18 MOTION TO RETURN TO REGULAR SESSION AT 11:06 P.M

Motion: O'Brien
Second: Bullard
Vote: D'Amico yes, Bullard yes and O'Brien yes

O'Brien "We met in executive session and no decisions were made and no actions were taken."

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**RESOLUTION MOTION TO ADJOURN
19-02-19**

Motion: Bullard
Second: D'Amico
Vote: Bullard yes, O'Brien yes and D'Amico yes

Meeting adjourned by Chairman O'Brien at 11:09 P.m.

Ken O'Brien, Trustee

ATTEST:

Tom D'Amico, Trustee

Claudia Smith, Fiscal Officer

Ron Bullard, Trustee