

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Regular Meeting December 12, 22**

**HELD AT:** This meeting was held at 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, Meghan Raehll, Ron Bullard, Claudia Smith, Fiscal Officer

**ATTENDANCE:** Fire Chief Miller, Chris Paykoff

O'Brien said we are starting the meeting late and we have an item that is time certain but was left off the agenda. O'Brien called the hearing for BZC 22-003 to order. He stated that it had been property noticed for this meeting but is not on the agenda and asked what the will of the board was. Raehll said based upon it not being on the agenda they can continue it to a date and time certain and she thinks there is some substantive work that actually needs to be done to this document as well. She would like to bring forward a new redline version at that time as well. O'Brien asked if it was her input and Raehll said it was just her input. She said there was a general theme that she could mention but there are a lot of specific examples of that.

She said this is a township comprehensive land use plan and for a lot of this it really only speaks to the county level, not to the township level which she finds problematic for our township comprehensive land use plan. The other major theme is, it came up in Berkshire recently who actually won a case against federal level court on a proposed apartment complex that had two non-conforming lots, which is the primary reason it was upheld. One thing that was specially referenced was the comprehensive land use plan which is a legally binding, not a legally binding document but it does hold legal weight in case law. So she thinks that is important to make that distinction because even though it is not legally binding it does uphold some special features and sets special precedence before a court. She said it is very important to highlight some core identity features of Berlin specifically not of the county. Such as rural feel, historical aspects, not to say that we are going to maintain the farmland but to integrate development into zoning such that we preserve some of the aspects of who we were and who we are and who we will be.

These things matter because they specifically reference in Berkshire's comp plan that Berkshire listed that they were a rural township numerous times. She wants to go back through, and she fails to see that identity component in this document. She thinks it takes up a lot of time at the county level and not so much at the township level as far as general characteristics. She said it does a good job with a lot of details that she wants to preserve but she wants to shake it up in a way that it's our comp plan not the counties comp plan for us. O'Brien said that makes sense. She identified some specific examples where it talks about the need for housing as. O'Brien said what we need are businesses as we already have houses.

Bullard said he is okay with this as he feels the state and federal government are coming along and going to override what we are doing anyhow. O'Brien and Raehll said they think Bullard is right but that doesn't mean we lend language that can be used against us in a court of law. Bullard said the quicker we get the houses up the better off we will be because he doesn't think they will go back and make use change existing developments. New developments are the ones that are going to have problems. O'Brien said he is right, but he would also like to see things go quicker because when the point gets fixed Delaware will then see us as available. He doesn't think development will come fast enough to develop it the way that we would like it to be developed before annexation comes. Bullard said the state is dictating that you need to have so many \$100,000 houses per the number of \$1,000,000 houses that you have. Raehll asked for their comments. Bullard said the state legislature is working on laws and their zoning code could be considered discriminatory by the federal government and the state government. Raehll asked why and Bullard said because of the large lots, setbacks and things of this nature which is in our rural definition of what we are trying to do. This makes houses more expensive to build. O'Brien said we solved it with the Berlin Business Park and Evans Farm. Evans Farm is not inexpensive, but they are tiny lots and doesn't feel we are being discriminatory. After continued discussion O'Brien asked Raehll to provide the redline version to the board and fiscal officer so she can add it as an exhibit.

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**RESOLUTION 22-12-08 MOVE TO RECESS AND CONTINUE BZC 22-003 BERLIN TOWNSHIP COMPREHENSIVE LAND USE PLAN UNTIL JANUARY 9, 2023, AT 7:00 P.M. AT THE TOWNSHIP HALL**

Motion: O'Brien  
Second: Bullard  
Vote: O'Brien yes, Raehll yes and Bullard yes

**Public Comment**-None

**Approval of Minutes- RESOLUTION 22-12-09 APPROVE THE 11/28/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

Motion: Bullard  
Second: O'Brien  
Discussion: Raehll asked if these were the minutes that were sent out today and Smith said yes. Raehll said she had not read them yet. O'Brien said we will go ahead and approve them and if she issues, she can bring them to the next meeting.  
Vote: O'Brien yes, Raehll yes and Bullard yes

**Old Business-**

**AED Replacement-** Chief Miller stated that the state bid pricing for AED replacement was \$1,495. \$1,000 will be offset by the grant. O'Brien asked Chief Miller to write up a requisition for the January meeting. Bullard asked if we could make this a piece of fire department equipment since it is maintained by the fire department. The old AED will need to be thrown out. Chief Miller said it needs to be checked once a month and he would be able to do that and will come up with a check sheet.

**Assistant Fire Chief-** Chief Miller spoke with the assistant fire chief who indicated that he would like to come back in January and complete transitions by March. Chief Miller asked if the board wanted a full-time or part-time assistant fire chief. He said there are some tasks that he can offload to the captains. O'Brien said he feels the assistant chief position needs filled but he's not sure if it needs to be full or part time. Chief Miller said for the short term a captain would be able to fill if the chief had to be gone for a while. He stated when he started the captain did everything which was a problem because he went on leave, so they learned that other people need to know how to do each other's jobs, which is something he has been working on over the past year. Raehll asked if he would prefer an administrative captain as opposed to an assistant chief. Chief Miller said he would like to explore that. Chief Miller said Pichert did a lot helping him his first few months and wants to come back to make sure that everything was covered and close out. O'Brien said he likes the idea because it keeps the door open for him to come back in the future.

**Trebel Energy Gas & Electric Aggregation-**Bullard said he just sent them an email that he received today from the prosecutor that had a list of things he needed to look into.

**Storage Building Proposal-**Bullard said to put this on the agenda for January.

**Township Hall Rentals-**Raehll said she is meeting with Rippel Thursday on a few things, one being the hall rental rules and prices that she will have ready for the end of year discussion. She was going to make sure pictures were taken and a check list was complete before the deposit was returned. She asked if people that rent the hall should purchase insurance so that if something happens to the smartboard, they either waive the right to have insurance and pay for the damages or they can procure insurance such as a renter's insurance. O'Brien said yes but they also need to be warned that the items, smartboard, microphones, speakers, and camera, are expensive. Raehll said there was glitter on the tables and caking on the piano from rentals this weekend, so we need to have pictures. O'Brien said someone needs to be assigned to do it and then it has to be done and it needs to be consistent.

Smith asked who was to take the pictures as the hall is rented on Saturdays and Sundays and we would not have anyone check until Monday. Raehll said the renter would be required to take the pictures when they arrive is they see something that is not in good standing and when they leave. If we come in on Monday and see that something has occurred, and they haven't taken pictures we keep both deposits. If they don't have a picture to produce that

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shows no damage or mess, then the ownness is on them. They discussed whether to allow renters to use the smartboard and how to handle this.

**Fairview Sign**-Bullard said to add this to the second January meeting agenda.

**Asst Cemetery Sexton**-Bullard said to add this to the second meeting in January.

**Unauthorized Cell Tower**-O'Brien said we received a bill on it but doesn't have anything to report on it. Raehll said she is still concerned with the potential of a hazard with snow and ice falling from it. O'Brien said he will ask the attorney.

**Township Tee-Shirts**-Raehll said they allocated the funds last meeting and said a bill could be forthcoming if we are still paying out bills. Smith said she is still paying bills that are coming in but spending cutoff was December 9<sup>th</sup> so if the shirts have not been ordered it is too late to order them. Raehll said she selected them and will try to bring one in to show them what it looks like.

**JEDD**-O'Brien said he is working on red strike outs and will have them to Raehll by Thursday.

**Additional Life Insurance Option**-Smith said this was to be sent to the union members for review. O'Brien said he thought we were going to wait. Smith said she sent the email to them December 1, 2022. Raehll said we have time to address this.

**Fiscal Officer Items-**

**November Bank Statement and Electronic Payments**-Smith said the bank statement balanced.

**OTA Conference Attendance**-Smith asked who was planning to attend the OTA conference. Raehll said she would like to go and have Bon go. She said she would also like to offer it to the BZC chair and vice chair. O'Brien asked if they had topics for them and Raehll said they had great topics for zoning. Bullard said the price went up. O'Brien will let Smith know. Bullard said he will not be attending. Bullard would like to have Peden, Foor and Bon become affiliate members.

**RESOLUTION 22-12-10 APPROVE JESSE PEDEN, TIM FOOR AND JACOB BON BECOMING AFFLIATE MEMBERS OF THE OHIO TOWNSHIP ASSOCIATION**

Motion: Bullard  
Second: Raehll  
Vote: Raehll yes, Bullard yes and O'Brien yes

**RESOLUTION 22-12-11 APPROVE AUTHORIZING JESSE PEDEN, TIM FOOR AND JACOB BON TO ATTEND THE OTA CONFERENCE AT \$125 A TICKET AND REIMBURSE FOR MILEAGE AND MEALS IN ACCORDANCE WITH THE POLICY**

Motion: Raehll  
Second: Bullard  
Vote: Raehll yes, Bullard yes and O'Brien yes  
Discussion: Raehll asked if they were okay with her offering it to the new chair and vice-chair. Bullard said it's a \$200 deal. O'Brien doesn't like certain people having more knowledge than other people being made available so if it's made to one it should be made to all. Raehll agreed but the uniqueness of the rolls does warrant a little bit more extra training. O'Brien said if the board knows before hand that this was going to be made available so if they want, they can throw their name in for chairmanship, or if they want to go on their own dime, we could give them a membership so they can do that. Bullard said the OTA does have training sessions.

**ARPA Money for Payroll in 2023**-Smith said she needs money appropriated for the ARPA fund for 2023.

**RESOLUTION APPROVE APPROPRIATING \$486,000 OF THE ARPA FUND**

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**22-12-12 TO USE FOR PAYROLL, TAXES, RETIREMENT, AND INSURANCE IN 2023**

Motion: Bullard  
Second: Raehll  
Vote: Bullard yes, O'Brien yes and Raehll yes

**Cemetery**-Bullard said he got the truck titles for the two trucks that were left at Fairview Cemetery and was going to list them on GovDeals. Bullard said the fence does not look nice and they will look to see if they can be repaired or replaced. Bullard said he sent an email about putting a fee into the cemetery fees for driving on the grass at the cemetery and it's because one of the funeral home workers drove across the graves to get to a grave that was out by Route 23 and it could make big ruts depending on weather conditions. O'Brien said he is not opposed to the idea, but he doesn't know the legality of it and asked Bullard to send it to the prosecutor. The question is how to enforce it.

**Road Department-**

**REA's from Delaware County Engineer**-Bullard said he has been talking to Peden about them, but they have no plan. For Dale Ford Road he was thinking to put an extension pipe on the east side of the road. For the north side of Sherman Road, they were thinking to fill it in with dirt but the problem is we may not own the land. If we don't own it we can do a little bit as far as what we own and then the water will take care of the rest of it. Bullard thinks when Sunbury Parkway comes to fruition there may be some money for Sherman Road. O'Brien suggested an OPWC grant be done in sections. Bullard said Sherman Road is going to have to be rebuilt but no one there is going to be happy. O'Brien asked Bullard if he could do it cheaply for now. Bullard said it would be \$5,000 to \$10,000. Bullard said he would like to put on the website and the sign the need for temporary snowplow drivers.

**Trustee Items-**

**EMA**-Smith said she received an email and O'Brien said he responded that he was not in favor of it.

**Zoning Department-**

**November Zoning Report**-There were no new home permits and the YTD is 134 homes.

Raehll said they received an email from Peden about a curb and sidewalk that were crushed from a company putting in a pool. Bullard will check into it.

Raehll said she would like Bon to have a laptop. She also spoke with Jenn Sloas and Keith Goshia who would like to be regular members of the BZC. O'Brien asked if they have been attending the meetings and are competent and informed and Raehll said they have and to the degree that the BZC has been informed which she discovered had a gap. Communication that has been sent to be distributed to them apparently has not made it. She sent to the chair, vice chair and zoning staff and it's only recently come to her attention talking to other members of the board that a lot of things that have been communicated to be presented at the meeting have not been. O'Brien said that is a major problem. Smith asked if it wasn't sent to them or were they not reading their township emails. Raehll said she sent it to the chair and vice chair for the chair to distribute to the commission for the last year and she will not be doing that anymore.

**RESOLUTION 22-12-13 APPROVE APPOINTING KEITH GOSHIA TO THE BZC POSITION LEFT VACANT BY CHRISTINA LITTLETON EFFECTIVE JANUARY 1, 2023 WITH TERM EXPIRING MARCH 2026 AND DECLARE THE ALTERNATE 2 POSITION VACANT AT THAT TIME**

Motion: Raehll  
Second: O'Brien  
Vote: Bullard yes, O'Brien yes and Raehll yes

**RESOLUTION 22-12-14 APPROVE APPOINTING JENN SLOAS TO THE BZC POSITION LEFT VACANT BY STEVE FLAHERTY EFFECTIVE JANUARY 1, 2023 WITH TERM EXPIRING MARCH 2024 AND DECLARE THE ALTERNATE 2 POSITION VACANT AT THAT TIME**

Motion: Raehll

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Second: Bullard  
Vote: O'Brien yes, Raehll yes, and Bullard yes

**Future Meeting:  
12/27/22 Trustee End of Year and 2023 Organizational Meeting**

**Late Items-**

Bullard said Foor asked for a filing cabinet and a place to work. They discussed cleaning up the trustee's office for him to work out of. Bullard asked Raehll if she got anywhere with the no parking signs and the question about what we can do on county roads. Raehll said she submitted it through Matrix and has not heard anything back. She has submitted a number of questions and no updates except for the cleaning contract.

Bullard said there are no "No Parking" signs along Piatt Road by the middle school and the soccer fields and asked if we should do something. O'Brien said if they are not going to follow the rule, he would rather not have the rule and the way the law is written if there is no sign for no parking then parking is allowed. Bullard said he an Peden looks at the water that stands along the road and they thought they could dig it out and put in gravel and a tile that would go to the ditch and that would drain the road.

Raehll said she received a resignation from a parks & trails committee member.

**RESOLUTION 22-12-15 APPROVE ACCEPTING LORI CORNELL'S RESIGNATION FROM THE PARKS & TRAILS COMMITTEE EFFECTIVE DECEMBER 12, 2022 AND DECLARE THE POSITION VACANT**

Motion: Raehll  
Second: Bullard  
Vote: O'Brien yes, Raehll yes, and Bullard yes

Raehll said she had an extensive discussion with the locksmith today and she wrote a summary email. They are all in agreement with the way it is intended to work and he is coming out on Friday and she will show him how it works. There are three critical items that they need to be mindful of: 1) She said Buell used his key to get in the hall door instead of his key code and if that's the case because of the way this door functions, if you use the key to unlock this door you can't then use the code to relock it, you have to reengage the mechanical lock and then it will be able to utilize the strike function. In Rippel's case she used the key as well. Raehll said she wanted to make certain that Smith collected all the keys. Smith said she had not and had just given a key to Bon who asked for one because the door lock was not working, and he wanted to be able to lock the door. Raehll said the keys are what is malfunctioning the electric system. It is not allowing it to engage. Bullard said there are two locks, the key operates one and the keypad operates the other one. Whichever one you unlock it with you have to relock it the same way. O'Brien said he okay with giving up his key. Smith said that is okay but if you can't get in with the keypad your locked out. O'Brien asked if the only time he is supposed to use the key is when the electric is out and Raehll said yes. Raehll said she will send an email to have everyone return their keys because the issues that have been created was because of the key being used. Smith said they did not tell them that keys should not be used when they trained her on the system. Raehll wants all the elected officials to keep their keys only for use in case of an emergency. She would like to have the chairs or secretaries of the committees have a code to use because parks & trails could not get in and she had to share her code.

Smith said she received the OTARMA insurance bill. Bullard suggested that the liability be increased to \$14 million.

**RESOLUTION 22-12-16 APPROVE \$49,818 TO OTARMA RISK MANAGEMENT AUTHORITY FOR OUR ANNIVERSARY CONTRIBUTION PER THEIR INVOICE AND TO INCREASE LIABILITY TO \$14 MILLION**

Motion: Bullard  
Second: Raehll  
Vote: Raehll yes, Bullard yes and O'Brien yes

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**7:00 p.m.**

**Regular Meeting**

**December 12,**

**22**

**Adjourn-  
RESOLUTION  
22-12-17**

**MOTION TO ADJOURN**

Motion: Bullard  
Second: Raehll  
Vote: Raehll yes, Bullard yes and O'Brien yes

Meeting adjourned by Chairman O'Brien at 10:08 p.m.

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Ken O'Brien, Chairman

ATTEST:

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Meghan Raehll, Co-Chairman

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Claudia Smith, Fiscal Officer

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Ron Bullard, Trustee