

BERLIN TOWNSHIP TRUSTEES

5:30 p.m. Trustee Meeting March 13, 2023

HELD AT: This meeting was held at 3271 Cheshire Rd, Delaware, OH

CALL TO ORDER: Meghan Raehll, Trustee Chairman

PLEDGE OF ALLEGIANCE: Meghan Raehll led the Pledge of Allegiance

ROLL CALL: Meghan Raehll, Ken O'Brien, Ron Bullard, Claudia Smith, Fiscal Officer and Theresa Taylor, Fiscal Officer Assistant

ATTENDANCE: Tony Stucco, Tony Eyerman, Jacob Bon, Mike Shade, Chris Rinehart, Ray Armstrong, Ken Moran, Mary Lou Gott and Jeff Hendershot

PUBLIC COMMENT: Raehll opened up the meeting for public comments, noting that any comments would need to be unrelated to the BZC 22-002 Peachblow Crossing. Ken Moran stated that he is new to the township and lives in Sycamore Trails. He said that the most recent developers of the subdivision have declared bankruptcy before completing any of the amenities that were supposed to go into the subdivision. A few of these include the sidewalks, bike path, trees and other items. The HOA is hastily being thrown together and being dumped onto the residents. The residents are unsure as to what should happen next and asked the trustees for guidance. Raehll told Moran to connect with the zoning inspector within the next week because the trustees do not get involved with HOA matters. But if there is something related to the zoning and development for example, if the development plan was left incomplete it would be directed to the zoning inspector for further action. O'Brien also suggested that he also contact the county engineer's office because that is who probably has the bond, which may help with the roads and the sewer.

RESOLUTION 23-03-01 APPROVE THE 02/27/23 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

**Zoning Department-
Ford Street Violations-**

RESOLUTION 23-03-02 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(3)(1) TO CONFERENCE WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING DISPUTES INVOLVING THE PUBLIC BODY THAT ARE THE SUBJECT OF PENDING OR IMMINENT COURT ACTION AND TO CONSIDER APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL OR THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL, UNLESS THE PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL REQUEST A PUBLIC HEARING – THREE TRUSTEES, THE FISCAL OFFICER, THE FISCAL OFFICER ASSISTANT, JACOB BON AND TONY STUCCO TO ATTEND- 5:42 P.M.

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

RESOLUTION 23-03-03 MOTION TO RETURN TO REGULAR SESSION- 6:34 P.M.

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

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Raehll "We met in executive session and no decisions were made and no actions were taken".

Payment Software Presentation- Jacob Bon, township zoning inspector, gave a presentation involving a comparison of payment software systems to help streamline the township between the Iworq systems, Accela and On Base Hyland. Areas that will be able to be addressed through the systems are permit management, code enforcement, resident/contractor online portal, payment processing and planning/zoning software. Of the three-software systems Bon recommends the Iworq systems because of its ease of use and it is more directed toward townships. He said that Orange and Liberty Township's also use Iworq and both highly recommend it. He said that it could also be used for the roads department. O'Brien asked about its record retention and Bon said that it has its own cloud that everything is saved to. As far as cost, there is a one-time cost for the implementation of the program and training along with a yearly subscription. O'Brien is concerned with the amount of the one-time initial cost but other than that likes Iworq the best. Raehll asked Bon to find out from Iworq if they can get that one-time cost amount reduced, also if we could bundle it and get the roads department included at no additional cost, find out about more information about the layout customization and to get a snapshot of how it tracks and stores its records. For On Base, to find out if there is a discount through the county. Raehll will bring the information back to the trustees for consideration.

*****7:00 P.M. TIME CERTAIN BZC 22-002 PEACHBLOW CROSSING*******

Raehll called the BZC 22-002 hearing to order at 7:06 p.m. Without objection, the hearing was recessed and will continue at 7:30 p.m.

Executive Session with Chris Rinehart-

RESOLUTION 23-03-04 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(3) TO CONFERENCE WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING DISPUTES INVOLVING THE PUBLIC BODY THAT ARE THE SUBJECT OF PENDING OR IMMINENT COURT ACTION -THREE TRUSTEES, FISCAL OFFICER, ASSISTANT FISCAL OFFICER AND CHRIS RINEHART TO ATTEND – 7:08 P.M.

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

RESOLUTION 23-03-05 MOTION TO RETURN TO REGULAR SESSION- 7:40 P.M.

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

Raehll "We met in executive session and no decisions were made and no actions were taken".

Raehll called the BZC 22-002 hearing back to order at 7:30 p.m.

Bullard asked if the hearing was properly advertised. Smith said yes, the legal ad was exhibit #13 and was included with all other exhibits.

Without objections, Raehll read the following:

DRAFT: Board of Trustees Public Hearing Policy 3/13/23-12/31/23

The following protocol shall be implements for the Berlin Township Board of Trustee Public Hearings from March 13th, 2023 to December 31st, 2023.

First, the applicant shall provide a very brief presentation.

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The presentation will be followed by public comments of those in favor of the proposal and those against the proposal.

In both cases, if any attendee wishes to provide comment or testimony, any comments or testimonies should be directed to the Chair only and should not seek to prevent the Board from accomplishing its business in a reasonably efficient manner.

All public comments should be no longer than 4 minutes. This limit is enforced for all participants regardless of whether in favor or against the proposed.

Attendees who provide public comment shall give their first and last name as well as their address clearly for the record prior to beginning comments.

The Board reserves the right to limit the scope of comment to the relevant subject matter, control disruptive or overly repetitive speakers.

Upon completion of the public comments, board members may provide followed up statements and/or inquiries and the applicant may choose to respond to any additional items before the Chair requests or brings forward a motion to the Board of Trustees.

Tony Eyerman explained that the site they are proposing for a zoning amendment is located behind the frontage lots of the northwest corner of Piatt and Peachblow Roads. He said they resubmitted a traffic study December 2022 and that their engineer is good with the conclusions and is waiting for final engineering plans. The two items to come out of the study, is that there will be no vehicle access to Peachblow Road and there will be a north bound left turn lane on Piatt Road. They are proposing 77 single-family lots on 49.06 grossed acres. The density gross is 1.56 and the density net is 1.84 units per acre. There is 43% open space which is 21.1 acres. All the lots are a minimum of ¼ acre and that includes an 80-foot-wide minimum lot width, which complies with the zoning requirements. The development plan and text comply with the zoning resolution along with the comprehensive land use plan. There are no divergences being asked for. The plan that is being proposed was approved by all members of the zoning commission on March 6, 2023.

There was a lengthy discussion regarding the plan between the trustees, Eyerman and the applicant. Throughout the discussion conditions for approval were made by the trustees.

Without objection, Raehll recessed BZC 22-002 Peachblow Crossing hearing at 9:53 p.m. so that Eyerman and the applicant could work on the verbiage for the conditions that the trustees want to see for approval of the proposal.

**Zoning Department Cont'd-
February Zoning & Inspector Report-** There are 17 new builds and the YTD is 22.

Assistant Zoning Inspector Resignation-

RESOLUTION 23-03-06 MOTION TO ACCEPT THE RESIGNATION OF SHERRY GRAHAM WITH REGRET, EFFECTIVE MARCH 3, 2023 AND DECLARE THE POSITION VACANT

Motion: Raehll
Second: O'Brien
Vote: Bullard yes, O'Brien yes and Raehll yes
Discussion: At this time, Raehll does not want to backfill the position.

Fire Department-

**Requisitions-
RESOLUTION 23-03-07 MOTION TO APPROVE REQUISITION 2023-09 FOR UP TO \$9,504 TO MES (ALSO KNOW AS) WARREN FIRE DEPARTMENT, FOR SIX SCBA FACE PIECES**

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

Collective Bargaining- This was discussed in executive session.

Personnel Issues- This was not discussed.

Road Department-

Winter Street Holding Water- Bullard said that they are going to wait for a rainstorm to see what is actually going on so that they do not try to fix something incorrectly.

Signage for Weighted Trucks- Raehll explained that there was significant damage to the road near Ford and Winter Street and that Peden had suggested there may be a possibility of putting up a sign which would prohibit heavy trucks from driving on it. Bullard will contact Riedel and see what options may be available to us and bring them back to the board for discussion.

Street Signs- Bullard stated that Peden is putting together an inventory of street signs and that he and Peden will be meeting with Riedel next week to discuss the details on replacing the signs, once Peden gets that, he'll work with zoning if needed to figure out how the fancier signs were set up in development plans.

Call-In-Pay- Peden is waiting to hear back from Stucco but in the meantime suggested to extend the sunset date.

RESOLUTION 23-03-08 MOTION TO MAKE CALL-IN PAY BE A MINIMUM OF 2.67 HOURS OF OVERTIME PAY FOR THE ROADS AND CEMETERY DEPARTMENT, TO SUNSET ON APRIL 10, 2023

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

Inventory- The prosecutor gave a response to the question of how inventory was to be done. In short, it has to be done but no dollar amount was given. Raehll asked Smith to check with three other township fiscal officials as to how they do inventory and then we could possibly establish ours based on comparable best practices with other townships across the county. Smith will reach out to other townships and bring the answers back to the board for discussion.

**Tree Removal-
RESOLUTION
23-03-09**

MOTION TO APPROPRIATE \$25,000 FOR THE PURPOSE OF CUTTING AND REMOVING DEAD TREES ON ROADS USING THE VENDORS THAT ARE RECOMMENED BY THE COUNTY OR OTHER VENDORS IF THEIR PRICE IS LESS

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

Manhole- Bullard stated that they met with the contractor who is running the sewer line and manhole replacement in front of the fire station. It was stated that the pumping station by Berlin Station Road would be able to pump immediately once the work is done and put into place. Bullard suggested contacting sewer and water to ask them to put some kind of shielding to cover the manhole to help with the odor when the sewage is being pumped. Raehll will speak with Tiffany Mag and see if she can confirm that the manhole will be shielded.

Cemetery-

Communication- Bullard stated that there has been difficulty in getting a hold of Foor and suggested to provide him and possibly Buell with a township cell phone. O'Brien and Raehll are in agreement but said that they would have to know that anything done on the phone will be subject to public record requests and that it can not be used in any personal compacity.

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Raehll would also like to see Foor working on timeliness with communication responses and working on what gets communicated. Bullard said that Foor is not good with documenting what actions he takes and that he feels people go around him because they do not like what answers he gives. Raehll said that the people that have reached out to her are stating that he does not even respond to their questions at all. O'Brien tends to think what happens is that he does not know the answers to the questions and instead of acknowledging the question he just does not answer them. Bullard said that Foor is having issues with his computer. Raehll would like him to submit a ticket to IT Made Real and work directly with them. Bullard will tell Foor to reach out to IT Made Real so that they can look at his computer and get it working correctly.

Bullard would like to get fireproof cabinets that hold all the records for the cemeteries. Smith told Foor to pick out what he would like and that she would order them but he has not got back to her. Bullard is going to explore potential options for fireproof cabinets.

Fairview Cemetery Lots- Roger Brown called and asked if the township would buy his lots back. A resolution was previously made by the trustees that the township would not buy any lots back because when Fairview was turned over the township received no money for them. Bullard is going to work on creating SOPs for Fairview.

Without objection, Raehll called the BZC 22-002 back to order at 10:53 p.m.

Below are the written conditions as discussed by the trustees, Eyerman and the applicant:

March 13, 2023

Peachblow Crossing Conditions for Approval Berlin Township Board of Trustees
Conditions for Approval:

1. Developer shall relocate mailboxes to southeast cul-de-sac.
2. All mailboxes shall be plumb. All mailboxes and access to all mailboxes shall be ADA compliant.
3. The emergency access drive, located from Peachblow Road to the southeast cul-de-sac, shall be ADA compliant for pedestrians.
4. All stormwater headwalls and endwall facades **shall** be finished with natural-look materials.
5. All sidewalks that are not located in front of a single-family lot, including cul-de-sac frontage, shall be installed by the Developer.
6. As calculated on the 3/6/22 Utility Plan, an aggregate increase of more than 4% of the storm basins (Basins 1, 2, 3 and 4) shall require a major change approval. All storm basins shall be located a minimum of 5' from public property lines.
7. Any tree removed shall be replaced with screening and/or trees. Replacement trees shall be selected from the Peachblow Crossing Landscape Plan Text list.
8. The Peachblow Crossing Landscape Plan Text list, in Tab 2, shall define the only permitted trees installed in the HOA areas.
9. Streetlights in Peachblow Crossing are prohibited.
10. Residential lighting shall be downlighting only and in compliance with the Berlin Township Zoning Resolution.
11. Exterior colors of all residences and all structures **shall** comply with Sections 5 and 6 of the Peachblow Crossing Covenants and Restrictions.
12. The Peachblow Crossing HOA shall be turned over to the lot owners upon **85%** of the 77 single-family lots being sold and with having received occupancy permit approval.
13. 3/6/23 Peachblow Crossing Development Text, Section 11.05 **B**) - Schools are a prohibited use in this PRD/R-**3**.
14. All single-family lots shall be a minimum of 10,890 s.f.
15. Developer shall convey a 20' wide easement to Berlin Township for a future multi-use path extending from the sidewalk at the northeast cul-de-sac to the north property line. The HOA shall maintain this path.
16. Developer shall convey a 30' wide easement to Berlin Township, parallel with and adjoining the Piatt Road right-of-way for a possible multi-use trail.
17. Developer may remove the play structure proposed south of Lot 34 (3/6/22 Preliminary Development Plan). The Developer shall construct/ install at least 1 (one) pickleball court to be located in the southwest open space south of Basin 1 and west of the emergency access drive.
18. Developer shall meet with the Berlin Township Fire Department and secure a review/

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approval letter of the 3/6/22 Preliminary Development Plan prior to submitting Final Development Plan.

19. Remove the remnant plan from Tab 3.

20. Developer shall provide an easement from the sanitary line that is proposed along the eastern north/south public road, with the easement to be located along the entrance road and extend the easement to the single-family lot corners on each side of the entrance road.

J. Anthony Eyerman (on behalf of APN Group, LLC)

RESOLUTION 23-03-10 MOTION TO ACCEPT BZC 22-002 AND ALL 15 EXHIBITS AS DESCRIBED IN THE MARCH 13, 2023, LISTING, WITH LATTER EXHIBITS TAKING PRECEDENCE OVER ANY EARLIER EXHIBITS

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

RESOLUTION 23-03-11 MOTION TO APPROVE BZC 22-002 PEACHBLOW CROSSING, AS APPROVED BY THE ZONING COMMISSION AND INCLUDING ALL 15 EXHIBITS AS ACCEPTED BY THE TRUSTEES, WITH THE LATTER EXHIBITS TAKING PRECEDENCE OVER ANY EARLIER EXHIBITS, AS MODIFIED BY THE APPLICANT

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

Discussion: For clarification, the trustees are accepting the recommendations of the BZC but the trustees are accepting it with modifications at the applicants request as specified in exhibit #15. Raehll stated that this plan fully complies with the comprehensive land use plan as well as the current zoning resolution.

Without objection, Raehll closed the BZC 22-002 hearing at 11:23 p.m.

Fiscal Officer Items-

February Bank Statement and Electronic Payments- The February bank statement and electronic payments balanced.

Health Insurance Renewal- Smith received new pricing for health insurance from Leckrone. It states that Anthem will increase by 8.9% for the upcoming year. If the trustees would like him to explore pricing for other companies, she said that all employees will need to fill out a questionnaire in Formfire so that he is able to get the underwriting for other possible companies. The trustees are in favor of this. Smith will get an email out to employees to fill out the questionnaire in Formfire by March 20, 2023, so that Leckrone can bring the information back to the board at the March 27, 2023, trustee meeting.

Old Business-

JEDD- Raehll sent a note to McCallister and asked him to incorporate the language related to being in close proximity of a city. He will work on it when he returns from vacation.

Township Tee Shirts/Apparel Policy- Raehll sent an apparel policy for the trustees to review for the next trustee meeting.

Grant Writer- Alan Freeman who works with Concord and Orange Townships, will send a proposal for the board to review for discussion. He said that there are numerous opportunities that townships do not take advantage of being the utilization of the state capital fund.

Hearing Policy- Raehll sent a draft to the trustees to review for consideration.

Meeting Video Recordings- Smith has not heard back from the prosecutor concerning meeting video recordings.

Building Access Policy- Smith said that All Secured created categories and gave the designated employees access to the doors based upon the trustee’s discussion. Smith asked

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if she was going to get trained on how to do it and he said that it would be too hard to explain the programming to her since she will probably never have to do it. Raehll does not like the fact that they continue to call it a training issue, when in fact they have done no training. Smith said that they wanted her to sign something which she was opposed to because then it looks like they have trained her when in fact they had not. She had Cory write up exactly what he did and what he showed her how to do and she signed that.

Vacation Use Policy- This discussion was moved to the April 10, 2023, trustee meeting.

Trustee Items-

Cleaning After Hours Access- Raehll explained that the cleaning crew comes on Monday and many vacations are observed on Mondays, so when they come in there is no one to let them into the rooms at the township hall. The issue is the internal rooms that they are unable to access. Raehll believes they should get a code or key to be able to enter the trustees office as there is no confidential/personal identifying information in it. She asked the trustees their thoughts about allowing them access to the zoning office. Bullard and O'Brien do not have an issue with giving them access to the zoning office or the trustee's office but they do not want them to have access to Smith's office.

RESOLUTION 23-03-12 MOTION TO APPROVE ACCESS TO STRATUS CLEANERS TO GAIN ENTRY TO THE ZONING OFFICE AND THE TRUSTEE'S OFFICE BY WAY OF CODE AND/OR KEY ACCESS FOR THE PURPOSES OF CLEANING

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

RESOLUTION 23-03-13 MOTION TO APPROPRIATE \$15,000 TO RINEHART LEGAL SERVICES FOR THE PURPOSE OF LITIGATION RELATED TO THE TOWERCO CASE

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

RESOLUTION 23-03-14 MOTION TO RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(4) TO PREPARE FOR, CONDUCT OR REVIEW NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT -THREE TRUSTEES, FISCAL OFFICER AND FISCAL OFFICER ASSISTANT TO ATTEND - 12:00 A.M.

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

RESOLUTION 23-03-15 MOTION TO RETURN TO REGULAR SESSION- 12:38 A.M.

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

Raehll "We met in executive session and no decisions were made and no actions were taken".

Future Meetings-

- 03/27/23 Trustee Meeting**
- 04/10/23 Trustee Meeting**
- 04/12/23 Parks & Trails Meeting**
- 04/24/23 Trustee Meeting**

Late Items- There were no late items for discussion.

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Adjourn-

**RESOLUTION
23-03-16**

MOTION TO ADJOURN

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

Meeting was adjourned by Chairman Raehll at 12:40 A.M.

Meghan Raehll, Chair

ATTEST:

Ron Bullard, Vice-Chair

Theresa Taylor, Fiscal Officer Assistant

Ken O'Brien, Trustee