

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting October 24, 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 and Theresa Taylor, Fiscal Officer Assistant

ATTENDANCE: Alysha and Braeden Danko, Joe Nicolosi, Landyn Schraer, Nick Dye, Mia and Tessi Jones, Reertna Jayakanthan, Leveta Linton, David Simon, Linda Becker, Dylan Robertson, Noah Sanchez, Nate Grubbs, Ararind Upadrasta, Sophia Weber, Melanie Leneghan and Connie Klema

PUBLIC COMMENT: Leveta Linton and Linda Becker explained that they have repeatedly tried to contact the trustees and Tim Foor in regard to the placement of their parents' grave markers at Fairview Cemetery and have not received any response back. Linton said that a grave marker was moved after five and half months, but it was moved incorrectly. Their mothers grave has their fathers name on it and their mothers name was placed on an empty grave. They want closure for themselves and their parents and volunteered to pay for any expenses or hire a private contractor to alleviate and fix the issue. Bullard acknowledged that the grave marker was moved to the space where the cemetery sexton had marked but not where Linton and Becker wanted it so he needs to have the sexton mark where it needs to be replaced. He said they are trying to get it done before the weather turns cold.

APPROVAL OF MINUTES:

RESOLUTION 22-10-10 APPROVE THE 09/22/22 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 22-10-11 APPROVE THE 09/26/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

Old Business-

TIF Resolution- O'Brien said that the attorney is continuing to work on it. Raehll asked how many acres in total, and he said approximately 2,000 acres.

Storage Building Proposal- Bullard said that there will be an increase in concrete by 20% starting January 1, 2023, and he is working with Leneghan to get the plan in place to avoid the price increase. He said by decreasing the size of the concrete slab to 58x100 as opposed to the 72x100 there is a significant price difference (approximately 50-100%) due to the changes in the engineering that occurs.

Raehll does not want to just have a slab of concrete without a building and does think there is some time sensitivity to having a building since we are looking to purchase more vehicles and will need space for them. Leneghan explained that the building that is being proposed for the 58x100 would be approximately \$170,000 and the concrete cost for that size is approximately \$110,000. She suggested to put minimal heat in the building so that the trucks would be able to thaw out in the winter months. Bullard's recommendation is to have Leneghan produce a proposal that includes pictures and bring it back to the board for discussion and possible approval. O'Brien asked if a PO would be needed for the building and Leneghan said that at this time it would only be needed for the concrete slab because the project manager and RoofConnect have all agreed to do the project with no money upfront, only a signed contract.

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Fairview Sign- Bullard called the gentleman that offered to paint the Fairview Cemetery sign and has not heard back from him.

Fairview Issues- Bullard sent an update to the board defining some of the issues going on at Fairview. He said that \$100,000 out of the general fund has been spent on Fairview Cemetery with no money coming in for it and there is not an end in sight with alleviating issues that continue to arise. O'Brien asked for confirmation that no one is being buried that does not have proof of having previously purchased a plot and Bullard said, no but there have been times when someone has been buried in another spot due to the lack of space where they were supposed to have been buried.

Raehll asked if there is anyway to prioritize when people call to inform us that a grave marker has not been put in the right spot and reach out to them to let them know that we are aware of the situation and it will be addressed. She feels this will help to alleviate their frustration and know that they are being heard. In situations where it is our mistake, there should be a special sense of urgency to get it right. O'Brien agrees with Raehll in regard to when situations occur that are our mistake, they need to be fixed quickly but in the other times he would like to see headstones being placed twice a year, as it is in Cheshire Cemetery. Bullard agrees and says that it will be more cost efficient to do them twice a year.

Assistant Cemetery Sexton- Buell indicated that there is someone interested in the position and Raehll asked that Bullard bring something forward including their general hours and pay. The trustees will work on modifying the job description for an assistant cemetery sexton.

Branding- Raehll said that the general price point for a polo is \$32 which is blue with a white township logo on it. She proposes that elected officials receive two polos that do not have to be returned and employees would have to return their polos once they leave their position. O'Brien said that he agrees with everything other than that the elected officials should also have to return their polos when they no longer hold their positions because of tax reasons. Bullard asked if any employee is interested in purchasing one, could they. Raehll said that if an employee wants to purchase one on their own and pay sales tax that would be acceptable. When Raehll receives the other two quotes she will bring them forth for a final discussion with the board.

Raehll showed the board the three 'B' logo options and there was a discussion on which each trustee preferred. There was a decision made with the 'B' where there is also the river and road reference to match the township logo. Bullard would like the 'B' to be clearer, Raehll will speak with the designer about muting the background of the river/road and bring it back to the board for a final decision. O'Brien asked how to go about copywriting it and Raehll will speak with the prosecutor and try to find out the copywrite process.

Pontem Migration- Raehll said that it is up and running and asked Taylor if she was able to link into it. Taylor said they had not reached out to her, but she will contact them and see what needs to be done for her to access it. Raehll said that the data is being backed up.

Township Building & Security- Raehll complemented ClearPoint Technologies with the installation of twenty-two cameras that are now working at the fire station and eight at the township hall. They explained the technology and said they can download an app on the phone that will connect them into the network and will only be recording on the storage within our internal network. Raehll asked the other trustees where they think the camera related to live streaming should be set up. O'Brien and Bullard will leave it up to Raehll. She will bring forward options to the board that will also include audio for discussion. Raehll said that there will need to be training with the cameras for all the trustees, fiscal officer and assistant fiscal officer.

Employee Handbook- Bullard will have the roads department sign the Sunshine Law and the job description page and get them to the fiscal officer.

Unauthorized Cell Tower- O'Brien said that OLSD/TowerCo has asked for a continuance to make additional motions because one of their attorneys is on paternity leave. The judge granted the continuance until the first week of December. Raehll's concern is that there is now an almost 200-foot cell tower up at Berlin Middle School and with the winter months

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coming, including the fall zone there's also now danger of ice falling off and hitting people below. There are considerable safety concerns and if they would have followed proper protocol these would have been addressed at that time but because they did not and they continue to delay it we are still facing these safety concerns. She suggested to reach out to our attorney and ask them to convey our concerns and see if there is anything that can be done. O'Brien will follow up with the prosecutor and follow up with the board at the next trustee meeting.

Parks & Trails Survey Results- Raehll showed the board the results of the parks & trails survey. The question that they most prominently wanted to address was not do we want trails, parks and pools because the answer is always yes, but if the residents would be willing to pay for them. The average age of the respondents were 35-44 years old. Bullard asked if there is a comparison with that and those that actually will vote. Raehll agreed that would be a good thing for the committee to explore and said that they did compare it to the census data so they could indicate whether or not they had a viable sample population, which it did. Gender distribution, more females filled it out. Within the household population by far the number of children were two under the age of 18. There is strong favorability (72.9%) that residents feel parks, trails and additional recreational opportunities are needed. With the question of how likely you are to support a township tax levy for parks, trails and additional recreational opportunities in Berlin Township, Very Likely was 59.7% and Raehll noticed that the Very Unlikely (9.9%) increased from the previous question. As far as which township amenities residents would support township dollars funding; Multi-use paths was number one, followed by a pool and communication recreation center, which tied.

The committee spoke to Beth Hughes who spearheaded the Berkshire parks and trails levy, to understand why she felt it failed. The two main reasons were that there was a strong contingent that was opposed to the measure and that they went for too much on the levy. Raehll said that over the next year the committee will define a master plan and research grants that may be available before they move forward with a potential levy.

In a parks and trails meeting, John Wargo who helped construct the Alum Creek sailing association and worked at Alum Creek for twenty plus years presented a plan that would allow a multi-use path to go around the entirety of Alum Creek and would be approximately 26.2 miles. This would not have anything to do necessarily with the parks and trails committee but conceiving ways that Berlin Township could connect into it would be of note. O'Brien has concerns that he also sent this plan to Franklin County and Columbus and said that if they are involved then he would not be interested because if they are then they would have the ability to police anything that would touch the said area.

Fiscal Officer Items-

September Bank Statement and Electronic Payments- There is a discrepancy of \$150 because of a bad check that was written for a hall rental. Other than that, the September bank statement and electronic payments balanced and were signed by the trustees.

Coleman Broken Chairs Solution- Smith said that the chairs are discontinued so their resolution is to let us keep the black bases and give us \$100 for each chair. Raehll asked if a tech had come out to put the bases on and they had not. The trustees asked Smith to counteroffer for \$200 per chair and if they say no to accept the \$100 and have a tech come out and attach the bases.

Cemetery- Nothing new.

Fire Department- This will be discussed in executive session.

**Road Department-
Acceptance of Roads-**

RESOLUTION 22-10-12 MOTION TO ACCEPT ROADS IN BERLIN MANOR SECTION 1 BERLIN MANOR DRIVE WITH AN ADDITIONAL .21 MILES, VOSS DRIVE WITH AN ADDITIONAL .19 MILES, RUSSELL WOOD DRIVE WITH AN ADDITIONAL .36 MILES

Motion: O'Brien
Second: Bullard

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Vote: Raehll yes, Bullard yes and O'Brien yes
Discussion: O'Brien said that this is one of the things that the commissioner says has to be voted yes on because the roads need to be accepted.

Compact Wheel Loader- Bullard asked Irwin if we could get the parts for the existing John Deere loader to repair it. After researching, the parts would cost approximately \$5,000 and to include the labor it would be \$10,000-\$15,000 in total. Bullard's recommendation is to buy a new front-end loader with a bucket and fork, which can be done next year but we need to commit to it quickly because at this time there is only one available for purchase. Raehll would like to see a new requisition with the wording more defined and with an itemization on it, as was discussed in the last trustee meeting. O'Brien would like a search to be done to confirm there are no other front-wheel loaders because he wants to make sure that we are getting what is needed without extras that would increase the cost. Raehll agrees and wants due diligence to be done so that we are getting what we need and nothing more. Bullard will call the company and come back to the board with his findings at the special meeting on October 28, 2022.

Smith told the trustees that she will be working on the budget, and she needs what they think they will be spending next year by the November 28, 2022 trustee meeting.

Without objections, O'Brien skipped down the agenda to zoning extensions.

Zoning Department-

Zoning Extension- Connie Klema who is representing the AAT property on Hyatts Road and Route 23 stated that the project was originally approved in 2017 and then in 2019 they received a three-year extension. She was asked to be at the trustee meeting because she was told the project was scheduled to be extended again and when she arrived found out that that had not occurred. She asked for direction as to how to ask for an extension and O'Brien said that for a preliminary it would be with the trustees, which she then requested for an extension for the project noting that there are no changes to the original application.

O'Brien asked why the final development plan could not be completed in five years. Klema said that the sewer and sanitary had not been put in and then in 2019 the road was being realigned, the planning began and then Covid shut things down in 2020. He does not think that is a valid reason for an extension and she said that she feels it is because there was no one to work on anything. O'Brien wants the final to be done because he likes everyone under the same rules. He said that if she can get it done in six months, he would be more inclined to grant the extension, Klema asked for a six-month extension.

Raehll said that everything that she could discern that would have inhibited them from creating a final development plan was finalized by the end of 2020 which would have given them close to two years to produce a final plan. She is inclined to not grant the extension because there has already been one extension for the plan and it is the matter of consistency and the precedence that is being set. She is not hearing a valid reason as to why over the last two years they could not get the plan in place. Klema said that during Covid no one could get anyone to include an architect or surveyor to do anything which paused the final development plan.

RESOLUTION 22-10-13 MOTION TO EXTEND THE PRELIMINARY PLAN OF BZC 18-002, AAT PROPERTIES, TO APRIL 24, 2023 AND NO LONGER, WITH NO FURTHER EXTENSIONS AFTER THAT

Motion: O'Brien
Second: Bullard
Vote: Raehll no, Bullard yes and O'Brien yes

Road Department Cont'd-

Pickup Truck- Raehll stated that after the conversation at the last trustee meeting, she struggled with needing a vehicle for transportation purposes only. She asked for clarification on its purposes and is wondering if there might be another viable solution. She would like to explore cheaper/used options for a pickup truck and is still in favor of purchasing a snowplow. Bullard agrees that a snowplow will be needed in conjunction with a pickup truck because the cost of operations for a snowplow are considerably higher and if it were to break down would cost a great deal to fix along with the high price of diesel as opposed to a

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pickup truck that can be used with easier access and less of a cost for operation and gas. Raehll said that it makes Bullard's comments make sense to her.

Trustee Items-

Township Hall Rentals- Raehll is not happy with the condition that the township hall is being left in after there has been a rental. She is going to work on a checklist with Rippel that renters will have to comply with before a refund will be distributed.

Raehll said that there was confusion from the resident that had rented the hall and paid by check, which bounced because they thought the check would not be cashed until the actual day of the rental. O'Brien said by law we have to cash checks within twenty-four hours. She said that when the gentleman came in to pay the amount plus bank fee in cash, Rippel had a hard time explaining the process and rejected taking his cash because she did not want to cause more confusion. Raehll would like to have it clearly documented what the process is from beginning to end and wants to discuss this at the organizational meeting. Bullard said that he is not comfortable with cash because of safety concerns and Raehll suggested adding an online form of payment. Raehll will look into different options and bring it back to the board for discussion.

Recess at 7:26 p.m. Returned at 7:32 p.m.

Cleaning Companies- The Modern Maid quoted \$750.00 per month for weekly cleanings of the township hall and Raehll will bring forth two more quotes at the next trustee meeting.

Girl Scout Projects- Raehll was contacted by a girl scout leader who is interested in putting in a bench on township property for a service project for the girls. O'Brien said that it would have to be put in the cemetery. Bullard's concern is that he does not want the benches to become a place/party where a gathering is held.

Prosecutor Coordination- Smith said that Chris Betts called her and asked about the trustees getting trained on the Matrix program, which is where they can submit a question for the prosecutor's office and it would be submitted online where prioritization of questions can be done. Raehll stated that the outreach happened due to a conversation she had with Melissa Schiffel. She addressed three items that had been discussed by the trustees in open session; timeliness and coordination of responses from the prosecutor's office related to zoning, ensuring fair and consistent application of our zoning text violations, and working to update the zoning resolution now that the comprehensive land use plan is coming through. Schiffel said that Stucco went to a zoning meeting where he was asked many questions and was not prepared to be able to give an answer and we should not expect an instant response. Raehll understood that and said that we can email questions in advance and set up a weekly cadence or we can aggregate questions and take them to his office and have him then answer them and return them to us.

After this conversation, the zoning inspector sent Stucco four questions to which Schiffel replied that is not what she had in mind. She said Berlin needs to prioritize their items and produce a central point of contact to help prioritize because they are getting too many emails from too many different people. Raehll apologized to her and said that she was of the understanding that this was how Schiffel wanted the questions to come to them and that her concern about one central point is the balance of powers and the way things are intentionally set up. Raehll gave examples as to why this method would hinder the balance of powers. Schiffel's refused to discuss any examples and said that the ground rules for their discussion was that the prosecutor's office represents the board and not any personal examples Raehll may want to raise with them. Raehll's comments were about conserving the integrity of the balance of powers as intended not individual items that are impacting the board. Raehll proposed a process where all can see what one another does, which is where the Matrix system becomes a possibility.

Raehll remains concerned about a central point of contact but is unsure about it getting the prosecutors office what they need and the board getting what they need. Bullard said that he does not like the idea of prioritizing because what is of utmost importance this week may not be the next week and then items just keep getting placed on top of one another and no answer is ever received. After further discussion with the board, she will let Schiffel know that there were potential issues related to the resolution of the conversation with her, specifically the prioritization component and invite her to a trustee meeting where she is

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available for further discussion and ask for available dates that a special meeting could be set up for Matrix training.

Zoning Department Cont'd-

Zoning Violations- Borso is working on an SOP to send to the prosecutors' office.

Zoning Inspector Resignation-

RESOLUTION 22-10-14 MOTION TO ACCEPT LAURA BORSO'S RESIGNATION WITH THE EFFECTIVE DATE BEING OCTOBER 28, 2022 AND HER LAST DAY OF WORK BEING OCTOBER 27, 2022, AND DECLARE THE POSITION VACANT AS OF OCTOBER 28, 2022

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

Raehll plans to reach out to prior applicants for the position.

Future Meetings-

- 10/26/22 OhioOne Opioid Meeting**
- 10/28/22 Roads Inventory & Special Meeting**
- 11/03/22 Parks & Trails Meeting**
- 11/09/22 DCTA Zoning Legislation Meeting**
- 11/14/22 Trustee Meeting**
- 11/28/22 Trustee Meeting**

Late Items-

O'Brien would like to have Scott Belcastro or a representative come to the next trustee meeting. Raehll will invite them to the next trustee meeting.

Tom Holman called Bullard about the Buckeye Pool JEDD and said that Karr agreed to a 2% JEDD. Holman's concern is that the city agreed but when the property becomes connected to the city sewer that they would have to annex to the city and the city would pay to move the connection from the county sewer to the city sewer. Holman would like to do the JEDD for the pool with the township which we would get a percentage of. The rest of this conversation was discussed in executive session later in the meeting.

Bullard would like more information and telephone numbers attached to the website as to alleviate the excess of calls that are received that do not apply to Berlin Township.

Bullard said that Pony sent a renewal for next year's mowing contract. Raehll is happy with their performance as is Bullard. O'Brien said to renew this year and then bid it out for the next season. Bullard will bring the numbers to the next trustee meeting.

Bullard received a letter stating that he was the contact for the Opioid contract. Raehll is going to the OneOpioid meeting and will get more information on it and bring it back to the trustees for discussion.

Smith said that the road improvement plan needs to be submitted by November 4, 2022.

RESOLUTION 22-10-15 MOTION TO AUTHORIZE TRUSTEE BULLARD TO COMMUNICATE THE 2023 ROAD IMPROVEMENT PROGRAM TO CLINT MATLOCK IN CONJUNCTION WITH THE ROAD SUPERINTENDENT AND PROVIDE COPIES TO THE TRUSTEES

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

O'Brien asked Bullard to find out from Riedel if the crosswalk on Piatt Road complies with the rules and bring the answer back to the board.

Raehll stated that trustee Garrett from Concord Township has a grant manager who has written a number of grants for them and DeWine has the new billion-dollar capital

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expenditure line item in the budget. Her understanding is that the way these items will be distributed is through grants. There may be an opportunity for us to engage with Concord's grant writer and see if there is anything possible for Berlin Township. Raehll will reach out to him and invite him to a trustee meeting in the next couple of months for a discussion.

RESOLUTION 22-10-16 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(1) TO CONSIDER APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL AND 121.22 (G)(8) TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUES, TRADE SECRETS, OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE, OR TO NEGOTIATIONS WITH OTHER POLITICAL SUBDIVISIONS RESPECTING REQUESTS FOR ECONOMIC DEVELOPMENT ASSISTANCE - THREE TRUSTEES, FISCAL OFFICER, AND THE FISCAL OFFICER ASSISTANT TO ATTEND-10:10 P.M.

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

RESOLUTION 22-10-17 MOTION TO RETURN TO REGULAR SESSION- 11:30 P.M.

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

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

RESOLUTION 22-10-18 MOTION TO APPROPRIATE AN ADDITIONAL \$10,000 TO ALBERS & ALBERS FOR THE PURPOSE OF ECONOMIC DEVELOPMENT NEGOTIATIONS, TO BE MANAGED BY TRUSTEE RAEHLL

Motion: Raehll
Second: Bullard
Vote: Raehll yes, Bullard yes and O'Brien yes
Discussion: O'Brien asked Raehll to have them distinguish JEDD money.

RESOLUTION 22-10-19 MOTION TO APPROPRIATE \$20,000 TO RINEHART LEGAL SERVICES FOR THE PURPOSES OF CELL TOWER AND TIFF ENGAGEMENT, TO BE MANAGED BY TRUSTEE O'BRIEN

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

RESOLUTION 22-10-20 MOTION TO APPROPRIATE UP TO \$3,000 TO FISCHER, DOWNEY ALBRECHT AND RIEPENHOFF FOR THE PURPOSE OF EMPLOYEE RELATIONS

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

RESOLUTION 22-10-21 MOTION TO APPROVE REA TO HAVE THE COUNTY DO AN INSPECTION AND PROVIDE GUIDELINES FOR A COMMERCIAL DRIVEWAY AT THE DEL-CO WATER TOWER ON REED PARKWAY

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

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Adjourn-

**RESOLUTION
22-10-22**

MOTION TO ADJOURN

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

Meeting was adjourned by Chairman O'Brien at 11:40 P.M.

Ken O'Brien, Chairman

ATTEST:

Meghan Raehll, Vice-Chair

Theresa Taylor, Fiscal Officer Assistant

Ron Bullard, Trustee