

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting April 25, 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 Absent, and Christina Littleton

ATTENDANCE: Rich Stewart, Chris Paykoff

Public Comment- Rich Stewart from Delaware Public Health District presented the trustees with information about hazardous waste collection and the availability of Naloxone kits. O'Brien asked how the kits were free since they cost around \$1,000/dose. Stewart said he would look into the budgeting and that funding may be from a grant. O'Brien asked who the kits were available to and if training was required. Stewart said there is training available and noted contact information on the flyer for someone who can better answer those questions. Bullard said he would like to have the flyers available on the township website. Stewart said he emailed them to the fiscal officer. Raehll asked if it was okay to post them. Stewart said yes and that he would send a link as well.

**Approval of Minutes-
RESOLUTION 22-04-24 APPROVE THE 03/28/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

RESOLUTION 22-04-25 APPROVE THE 04/11/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 22-04-26 APPROVE THE 04/20/22 EMERGENCY MEETING MINUTES AND DISPENSE WITH THE READING

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

Old Business –

TIF Resolution: Bullard asked if this was for commercial or residential use. O'Brien said it was for commercial, industrial, or mixed use. It is not strictly for residential use. Bullard asked if maps were there and if other issues had been corrected. O'Brien said yes.

RESOLUTION 22-04-27 A RESOLUTION DECLARING IMPROVEMENT TO CERTAIN REAL PROPERTY TO BE A PUBLIC PURPOSE, AND EXEMPT FROM REAL PROPERTY TAXES; IDENTIFYING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT ARE A PUBLIC PURPOSE AND, ONCE MADE, WILL DIRECTLY BENEFIT THAT REAL PROPERTY; REQUIRING THE OWNERS OF THAT REAL PROPERTY TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A TOWNSHIP PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND RELATED AUTHORIZATIONS

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

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Trustee Raehll asked about a TIF on the west side. O'Brien shared concerns about the feasibility of including residential use in the TIF and whether annexation would impact its application.

Bullard learned at a meeting at the County Engineer's office that Orange Township is receiving TIF money from a development at Shanahan Rd and Route 23 to make improvements to the south side of Shanahan Rd. He suggested Berlin Township may want to consider the same thing to improve the north side of Shanahan Rd. O'Brien asked about the uses of the properties to be included. There was discussion about whether the Greenery would be residential or commercial and if it would be able to be included. Bullard said it would make sense to do a TIF at the same time as a JEDD.

Raehll described which parcels were included in the TIF on the west.

Bullard discussed the benefits of applying jointly with Orange Township for the OPWC grant. O'Brien said Berlin can apply for more than one grant if needed.

Succession Planning- Fiscal/Roads- There was no discussion on Fiscal Succession Planning

Bullard shared information he had gathered from other townships. Berkshire Township pays a little more, offers no insurance, but reimburses up to \$1,400 a month for employees to buy their own insurance. Brown Township pays about the same but offers hearing, dental, and eye insurance. He said he would look into what Berlin Township is permitted to do. Genoa Township pays a little more for road maintenance superintendent, includes 6 weeks of vacation, requires meeting attendance. Their rate for workers is consistent with Berlin Township. Orange Township is similar to Genoa Township. Bullard said he is getting closer to a recommendation.

Road Department- Bullard shared the County Engineer's proposed improvements for Shanahan Rd including curb and gutter system using the ditch on the north side and moving the road as far to the north without interfering with the transmission lines. O'Brien said he is opposed to curb and gutter there from a maintenance standpoint. Raehll asked why it was recommended on the north side and not the south. Bullard said it was an effort to keep the center line of the road on the township line.

Bullard said he explained to the County Engineer that Berlin Township supported the County Thoroughfare Plan that extends Shanahan Rd from its current location to Old State Rd. He said the location of the Shanahan extension makes a huge difference as to the maintenance of the road. Bullard recalled the County Engineer said that if Shanahan curved to the north the construction cost would be covered by Evans Farm. O'Brien said it would be covered by the TIF. Raehll thinks the Thoroughfare plan was designed with intentionality and purpose and should be adhered to.

RESOLUTION 22-04-28 BERLIN TOWNSHIP TRUSTEES SUPPORT THE COUNTY THOROUGHFARE PLAN IN THE PARTICULAR AREA OF SHANAHAN ROAD GOING FROM ROUTE 23 TO SOUTH OLD STATE ROAD FOLLOWING THE TOWNSHIP LINE

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

Parks & Trails- Raehll presented a volunteer application from Lori Cornell. She shared updates from the most recent Parks and Trails meeting including plans to compile a survey and the opportunity for this group to be socially involved across the county.

RESOLUTION 22-04-29 RECOMMENDATION TO APPOINT LORI CORNELL TO THE PARKS AND TRAILS ADVISORY COMMITTEE AS AN UNPAID VOLUNTEER WITH A TERM EXPIRING ON 12/31/2022

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

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Raehll asked if township emails should be created for committee members for official correspondence. O'Brien said members should complete the open records training. Raehll suggested this training for all township employees. Raehll said the emails would be a berlintwp.us domain. Raehll said she would discuss with the BZC Chair and Vice Chair about getting their members up to date with public records training. O'Brien said the trustees cannot require this training of the BZC, but that they should be informed they will be held personally liable if they remain uninformed. The same should be considered for the Parks and Trails members. Raehll said she would relay the information to the Parks and Trails members and ask the zoning secretary to forward the information to the BZA. Bullard said that Parks and Trails members should have the emails so they will be considered employees, although unpaid.

RESOLUTION 22-04-30 APPROVE THE CREATION OF EMAILS FROM THE DOMAIN BERLINTWP.US FOR ALL APPOINTED PARKS AND TRAILS COMMITTEE MEMBERS

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

Bullard suggested tying in a trail in Berlin Manor to Cheshire Rd to make a connection to Berlin High School.

JEDD- Raehll said she has been working with Albers and Albers to secure the language for the agreement and that they have been working extensively over the last week.

RESOLUTION 22-04-31 APPROPRIATE \$10,000 TO ALBERS AND ALBERS FOR THE PURPOSES OF JEDD RELATED ISSUES TO BE MANAGED BY TRUSTEE RAEHLL

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

Township Building-All Secured- There was no discussion.

Media/Technology-There was no discussion.

Social Media Policy-Raehll integrated the board's feedback and created an updated draft that has been shared with the trustees for review. It was sent to Fowler for review, but he requires additional time to provide feedback. Raehll will defer further discussion to the next meeting.

Smartboard-Raehll explained complications with packages included in the previously approved quote. The vendor could not provide a solution to meet all of the township's needs. Raehll would like to move forward with a new quote for the same amount that includes only the smart board, the integrated PC, and the ELMO that would be used. She would continue to look for solutions for the camera and microphone only. Bullard wants to make sure the network is compatible with the smartboard. Raehll said she is confident it will be compatible. She added the Smart Board company will be responsible for any required maintenance. Bullard asked about bandwidth and firewalls, wanting to make sure everything will work together. Raehll explained that this will function like any other computer connected to the network. O'Brien shared that his experience with this kind of equipment has been very good and user friendly. Raehll said the addition of this technology will allow consistent live streaming abilities and accessibility of township meetings and discussions. O'Brien is concerned for the potential abuse of livestreaming information for political gain. Raehll said that is something that should be worked into the social media policy. Bullard asked about funding contributions from the general fund and the BZC since both will have access to the smartboard. Raehll suggested using ARPA funds. O'Brien wants to use the general fund to allow for more flexibility in the use of the smartboard and more flexibility in determining what to do with it when it comes time to upgrade to new technology.

RESOLUTION 22-04-32 REPEAL RESOLUTION 22-04-15 AND REPLACE WITH A MOTION TO APPROVE QUOTE MRRP818 FROM CDW-G SENT ON

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04/25/2022 AND APPROPRIATE UP TO \$10,000 FOR SMARTBOARD AND TOWNSHIP TECHNOLOGY

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

**RESOLUTION
22-04-33**

MOVE TO ADJOURN INTO EXECUTIVE SESSION PERSUANT TO ORC 121-22 (G)(1)(8); (1) 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 OFFICIAL; (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, CHRISTINA LITTLETON, AND SEAN MCCARTER VIA ZOOM TO ATTEND – 7:14 P.M.

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

**RESOLUTION
22-04-34**

MOTION TO RETURN TO REGULAR SESSION – 8:36 P.M.

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

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

Branding-Raehll presented branding options. The trustees reviewed the images and discussed their opinions. Bullard and Raehll agreed contrast is an important factor. Bullard said some choices may not work well in certain applications, such as on a red truck. The trustees discussed details that could be tweaked to improve future options for consideration.

Chairs-O'Brien shared which chairs he would be okay with ordering but can't be certain without sitting in one. Raehll suggested ordering one to test it and return it if unsatisfactory but did not want that process to become a problem. Bullard would be comfortable with purchasing either option under \$1,000. O'Brien thinks those chairs would not be durable. He wants chairs that will last as long as the current chairs have. Raehll explained that seven chairs need to be purchased. Raehll said she will bring a recommendation to the next meeting.

Fiscal Office-

March Bank Statement & Electronic Payments – The Fiscal Officer said that the March bank statement balanced.

Cemetery- Bullard said the mowing contract needed to get straightened out and that it would be. Bullard said the contract would be renewed in a few days.

Fire Department-

Start Dates for Fire Fighters-

**RESOLUTION
22-04-35**

MOTION UPON THE RECOMMENDATION OF CHIEF MILLER TO HAVE THE OFFICIAL EFFECTIVE START DATE OF 05/02/2022, FOR FULL-TIME FIREFIGHTERS JEFF ENOCH AND CONNER MCKIRGAN AS WELL AS PART-TIME FIREFIGHTERS TYLER BAGLEY, JASON BAUGHN, JACOB TROTT, AND TYLER ALBAUGH

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

**Trustee Items-
American Rescue Plan Act Resolution-**

RESOLUTION 22-04-36 MOVE TO AUTHORIZE THE FISCAL OFFICER TO EXECUTE ANY DOCUMENTS NECESSARY FOR THE ARPA SO THAT SHE MAY DESIGNATE WAGES AND SALARIES AND BENEFITS AS THE EXPENDITURE FOR THOSE ARPA FUNDS; FIRE DEPARTMENT WAGES AND SALARIES ARE TO BE THE LAST PAID OUT OF THE FUND

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

**Zoning-
Comp Plan Updates-** Raehll informed the other trustees that Scott Sanders completed most of his work. Next steps are considering township open house and potential survey questions. Bullard asked about hours with Sanders. Raehll said time was on track with Sanders and that she would check in with him on that.

Set Hearing Date for Evans Farms & Berlin Farms West-

RESOLUTION 22-04-37 MOVE TO ACCEPT RECEIPT OF THE APPLICATION OF BZC 16-001 AMMENDMENT #1, EVANS FARM AND EXHIBITS 1-4

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

RESOLUTION 22-04-38 MOVE TO HEAR BZC 16-001 AMMENDMENT #1 EVANS FARM ON MAY 23, 2022, AT 7:00 P.M., DATE AND TIME CERTAIN, AT THE TOWNSHIP HALL

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

RESOLUTION 22-04-39 MOVE TO ACCEPT RECEIPT OF THE APPLICATION OF BZC 18-003 #1 BERLIN FARMS WEST AND EXHIBITS A-W AND ZONING EXHIBITS 1-4

Motion: Raehll
Second: Bullard
Vote: Bullard yes, Raehll yes, O'Brien yes
Discussion: O'Brien asked for clarification of the exhibits. Raehll explained that Berlin Farms presented exhibits A-W and the BZC added exhibits 1-4. Any additional exhibits will begin with 5.

Raehll made a motion to hear BZC 18-003 #1 on May 9, 2022, at 7:00 p.m. date and time certain at the township hall. O'Brien asked if that was enough time to advertise the hearing. It was determined there was not enough time. Raehll withdrew the motion.

RESOLUTION 22-04-40 MOVE TO HEAR BZC 18-003 #1 BERLIN FARMS WEST ON MAY 16, 2022, AT 7:00 P.M. AT THE TOWNSHIP HALL

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

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Truck Update-Raehll said the Fire Chief will give zoning the truck when they get a new one in about six months.

Signing Permits-Raehll explained that the Assistant Zoning Inspector was meant to be part time on weekends. It is her responsibility to sign all of the permits. There have been so many coming in that it is requiring more of her time than what was intended. The trustees discussed possible solutions including granting permit signing privileges to Cathy Rippel, the Zoning Secretary. They discussed the various ways in which Orange Township has been assisting with Zoning Inspector responsibilities. Raehll agreed that Rippel has much knowledge, but that she should not be asked to review the more complex zoning items. O'Brien said the township needs a Zoning Inspector. Bullard asked if there has been any interest. Raehll said no one has applied. She has concerns about it being only 25 hours a week and attracting the kind of talent that is needed. O'Brien would support a full-time position for a skilled, qualified person. Raehll said the time and thoroughness of the work that Orange Township has been putting in has illuminated the fact that Berlin needs a full-time position.

RESOLUTION 22-04-41 MOVE TO AMEND THE ZONING INSPECTOR POSITION FROM PART-TIME FOR A TOTAL OF 45 HOURS EVERY TWO WEEKS TO A FULL-TIME POSITION WITH ABILITY TO POST AND EXECUTE ALL DOCUMENTS GIVEN TO TRUSTEE RAEHLL

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

Unapproved Cell Tower at Olentangy Middle-

RESOLUTION 22-04-42 ADJOURN TO EXECUTIVE SESSION PERSUANT TO ORC 121.22 (G)(3) 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, CHRISTINA LITTLETON, AND MARK FOWLER TO ATTEND- 9:33 P.M.

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

RESOLUTION 22-04-43 MOVE TO RETURN TO REGULAR SESSION- 9:56 P.M.

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

O'Brien "We met in executive session and no decisions were made and no actions were taken, however, the Trustees may want to consider some at this time."

Raehll said there is the issue of the unauthorized cell tower on the Olentangy Middle School property.

RESOLUTION 22-01-44 MOVE TO AUTHORIZE THE COUNTY PROSECUTOR TO INITIATE LITIGATION AGAINST VERIZON AND TOWER CO. IN ACCORDANCE WITH THE ZONING TEXT WITH THE PROPERTY OWNER BEING OLENTANGY LOCAL SCHOOL DISTRICT

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

RESOLUTION 22-04-45 MOVE TO APPROPRIATE UP TO \$1,000 FOR FILING FEES AND ASSOCIATED COSTS RELATED TO LITIGATION AGAINST VERIZON, TOWER CO., AND OLENTANGY LOCAL SCHOOL

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DISTRICT AND AUTHORIZE TRUSTEE RAEHLL TO EXECUTE ANY NECESSARY DOCUMENTS ASSOCIATED WITH THAT FILING

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

Piatt Road & Temple-

RESOLUTION 22-04-46 MOVE TO AUTHORIZE COUNTY PROSECUTOR TO INITIATE A CLAIM ON LETTER OF CREDIT FOLLOWING A FOURTEEN DAY NOTICE FOR THE TEMPLE ON PIATT RD AND AUTHORIZE TRUSTEE BULLARD TO EXECUTE ANY DOCUMENTS ASSOCIATED WITH THAT CLAIM

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

Township Employee Handbook-Raehll said she has been aggregating all the documents necessary for updating the handbook. She asked if the trustees want to make the effective date July 1 of each year. She reminded the other trustees that fire did not sign the acknowledgement of last year's handbook, that there are some things incomplete with last year's handbook. O'Brien said a special meeting may be required to meet that date. Raehll said she would combine everything and share it. She added that no changes would be made without all trustees discussing it.

Adopting Facebook and YouTube as official township media channels- Raehll wants to defer until the next meeting when a social media policy is in place.

Zoning Department-

OTA Zoning Training-Raehll informed the board that assistant zoning inspector Sherry Graham attended the training. Raehll said they were unable to swap out the zoning inspector membership for hers. Graham is expected to begin doing violations and follow up on complaints and should be established as an affiliate member for the remainder of this year which will end June 30. Bullard explained that she should be an associate member.

RESOLUTION 22-04-47 MOVE TO APPROVE SHERRY GRAHAM AS AN ASSOCIATE MEMBER OF THE OTA THROUGH JUNE 30TH, 2022 AND APPROPRIATE UP TO \$30 FOR THE ASSOCIATED FEES

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

External Council Approval- O'Brien asked about external council approval. Raehll said without a zoning inspector some items have come through BZC that she thinks could benefit from external council attending BZC meetings and potentially trustees' meetings. Some may have been incomplete or included items that the BZC and/or trustees may end up taking exception to. She wants to make sure everything is in order in the absence of a zoning inspector. O'Brien asked Mark Fowler how much time the prosecutor is willing to allow for this service. Fowler said he could do whatever is needed but may not always be the fastest. O'Brien said many of the members are new and may not know the proper process. Raehll said the plans coming in are more complex now. Raehll asked if council should be present at every meeting. O'Brien said council should be present much more often now until members get grounded and then they should hardly be there at all. Bullard said if Fowler can do it, he is willing to have him do it. Raehll said she will discuss this matter further with Fowler. Bullard said the prosecutor would be a good option because they will keep the township out of trouble. O'Brien said sometimes they can be so concerned with keeping the township out of trouble that they do not advise in its best interest. The trustees agreed that experienced council would be the best. Raehll said she would speak with the chair of zoning as well and come back with a recommendation.

Future Meetings- 04/28/22 One Delaware Meeting

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05/23/22 Trustee Meeting

Raehll said she has a meeting with One Opioid on Wednesday. She has a meeting with RPC on Thursday regarding Peachblow Crossings. Scott Sanders said typically individuals abstain from voting when its within their own township. Raehll understands that it is a conventional matter, not a legal matter. She asked Mark Fowler for his opinion on the matter. Raehll asked Sanders if he considers Comp Plans within RPC’s consideration. He said yes. She believes there will be a lot to discuss around this project and going forward with RPC. She thinks trustees can serve a role if afforded the right opportunity for RPC representative. O’Brien said in his experience, generally they do abstain, but do not recuse, so they do participate. The other participants listen carefully to those suggestions.

Raehll asked about the roads inventory meeting on April 30, 2022. Bullard said everyone attends as does the fiscal officer. O’Brien explained the process of the meeting. Bullard said he would verify everyone’s availability.

Late Items- Raehll mentioned that Chris Paykoff asked about replacing the decaying landscaping logs. He asked if they should be replaced with new logs or using the same pavers that are out front. Bullard said it’s a job the roads crew can do, they just need time. Bullard will speak with Brodi about the details and come back to the board.

Raehll said some pool permit issues have come up. The former zoning inspector indicated the permit would be approved for a pool that did not meet the setback requirements according to the zoning text. The residents purchased materials, then came in to file the permit, but did not meet the requirements. Mark Fowler advised the residents still need to go through the BZA for a variance, but that the board can waive the fees associated with the BZA. Bullard agreed.

RESOLUTION 22-04-48 MOVE TO WAIVE ASSOCIATED BZA FEES FROM THE TWO POOL PERMITS TO BE PROVIDED IN THE MAY 9, 2022 MEETING AND AUTHORIZE TRUSTEE RAEHLL TO EXECUTE ALL ASSOCIATED DOCUMENTS

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

Adjourn- RESOLUTION 22-04-49 MOTION TO ADJOURN

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

Meeting adjourned by Chairman O’Brien at 10:22 p.m.

Ken O’Brien, Chairman

ATTEST: _____
Meghan Raehll, Co-Chairman

Christina Littleton

Ron Bullard, Trustee