

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 11, 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: Doug Riedel, Fire Chief Miller, Larry Buell, Michael Shade, Mark Fowler, and Chris Paykoff

Public Comment- None

**Approval of Minutes-
RESOLUTION 22-07-04 APPROVE THE 6/24/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Old Business-
Unapproved Cell Tower on Olentangy Property-**

RESOLUTION 22-07-05 APPROVE 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, GRANT WOLFE AND CHRIS RINEHART TO ATTEND- 6:06 P.M

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

RESOLUTION 22-07-06 MOTION TO RETURN TO REGULAR SESSION AT 7:22 P.M.

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

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

Berlin Station Peanut Updates-Doug Riedel from Delaware County Engineer's office said the peanut is under construction now and he's sure the board is aware that there are paths to be constructed by the development to the northeast, Berlin Farms and Berlin Farms West is the one to the west of this site and is still going through engineering. He stated the peanut will have ADA compliant ramps and a sidewalk path connection between the two crossings and showed the trustees the drawings of the peanut. Bullard said the school was going to put in the multipurpose walkway up to Piatt Road. They discussed different ways that the students would have to walk to get to the schools. O'Brien said this will be a high pedestrian area and asked how the people on Berlin Station Road get to the high school and asked if they are supposed to go on the road and around. He would like something put in the newsletter to explain how they are supposed to go. Raehll said with the pathways she saw that they had a sign erected and asked about a push button to flash. Riedel said they found that cars should be going 20 to 25 miles per hour. Raehll asked what about the school zone during school operational hours on Berlin Township. Riedel said it would be within the 20 mile per hour zone. Raehll said she feels that before they get to the crosswalk, drivers should understand what they are coming up to. The peanut forces them to slow down because of the curve coming in already but suggested having something 20 yards out saying pedestrian exiting ahead, use caution. She said there are going to be hundreds of students walking here potentially in three years. Riedel said the challenge they are facing is

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having pedestrians on the road that doesn't have any safe way for pedestrians to be on it, and stated that they need to consult with the prosecutors office. O'Brien asked Mark Fowler as a pedestrian they walk on this side of the road, with a peanut, the kids aren't going to enter into the peanut and the traffic goes this way and asked where they were supposed to walk. We wants to put it in the newsletter, so we don't get sued. Fowler said you are supposed to walk against traffic. Fowler asked if there was going to be a crosswalk in the south and O'Brien said apparently not. Raehll said she thinks there should be a crosswalk from the south and she can understand one area because of where the houses are located but it seems so critical for the Pines folks too. Riedel said the Pines have a separate one. Raehll asked if we could have a visual for the newsletter and some do's and don'ts and then say that we will post more information as the peanut continues. She said they did a township presentation at the Delaware County Township Association. The township represented on the first peanut in the county. O'Brien said that's when he said we need to know how to walk this because he saw no way to negotiate that. Raehll said they had a couple walkways but they said they have seen an uptick in traffic accidents as a result, because nobody knows how to use the peanut. Even though conceptually you think it works just like a roundabout, no it doesn't feel that way when you drive it. Fowler said you can just say stay in the crosswalks. O'Brien said there are no crosswalks so you can't say that. Fowler said there are and O'Brien said not in one area. O'Brien asked Riedel to get the article for the newsletter to Raehll.

O'Brien said the site distance on the intersection at Curve Road and Lackey Old State Road needs to be trimmed because you have to pull out into the intersection to see. He also said the road sign at Reed Parkway does not seem to be to county standards, it's too little and hard to read and it also lacks a Lackey Old State sign and he knows it doesn't go far now but his understanding is that the county desires that to extend extensively and at some point in time the businesses on that road should be able to know that they are coming to Lackey Old State Road and if we wait the township will have to do it instead of the county. Riedel said Reed Parkway sign is actually county right-of-way so that is their sign to maintain. O'Brien asked if they would put a Lackey Old State sign up and Riedel said he would check on it. O'Brien said he likes the yellow signs that tell you that a road is coming up but you are almost on that road by the time you see that sign. He doesn't know why they choose to put it where they did. Raehll said it seemed very oddly placed in reference to the residents that it's right in front of when you're coming south. O'Brien said it is not a very visible road, so the sign is meaningful.

Bullard said Cheshire Road is getting really busy and Rippel lives next door and she asked if we could make it two yellow lines because we have people passing, we have left turns, we have people going in and out of the developments and if there were two yellow lines it might make the road safer. He also said the school wants to put up flashing signs on 3 B's & K Road and asked us if we want to put the signs up and he asked Riedel if the county would put those signs up. Bullard said it's a two-day job and it is stuff that we are not equipped to do. Riedel said he doesn't believe that they have recently but there are private firms that are equipped to do this. Riedel said he would look into all these things and get back to us.

Cemetery-

Bullard said he received a text from Larry Buell and read the following "I have a quote on those sandstone pieces. After discussion we believe we can get all but the one that is flaking cleaned up well. The cost for the cleaning would be \$1,250. We would go down three times roughly a month apart to let the new chemical clean up brighten the sandstone and marble pieces. Once that is done to your satisfaction, we could Monuseal them for another \$1,250. I'll send you a video of Monuseal. This stuff is pretty amazing and will prevent water from penetrating the stone. According to the creator it will need reapplied every 5 to 10 years based on weather conditions. But it's so new it may last longer, they aren't sure yet."

O'Brien asked which one was flaking and Buell said he didn't know but it was obvious when you look at it. His question is whether they want to pursue this and get a written quote as some Berlin residents had concerns about this. O'Brien said he can speak on that, as one of the people that donated one of them is not happy that they aren't being taken care of. Since we chose to take them, we have the responsibility to take care of them. Bullard asked Buell to get a written quote for our next meeting.

Cemetery Grant- Bullard stated that seventy-seven headstones were reset with the \$13,000 grant money that was received for Fairview Cemetery and suggested that Smith apply for it again this year and see if we get anything as there are more headstones to fix.

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O'Brien asked when we need to do something with the OPWC grant for next year and Bullard said it is due November 5th. Bullard said he didn't have anything for it but could find something. Raehll asked if it could be used for Parks & Trails and O'Brien said no, unless it is a road but it can be used for sewer. O'Brien asked if basin covers would be covered and Bullard said yes but we could also use ARPA money for that. O'Brien said he would rather do it with OPWC money and use ARPA money for payroll. Smith said we have spent the \$100,000 that was appropriated for this year. We have \$300,000 left and are getting another \$415,000. O'Brien asked if we need to appropriate more for this year and Smith said yes. Raehll said we can also use ARPA money for Parks and Trails and O'Brien said yes but he doesn't want to do that because the goal of Parks and Trails was for that money to be self-funded. Raehll said you need to invest a little to get out a lot. O'Brien said yes, we do and the taxpayers will decide if they want to do that.

**RESOLUTION
22-07-07**

**MOTION TO APPROPRIATE \$250,000 OF ARPA MONEY FOR
NON-FIRE PAYROLL AND BENEFITS DUE TO THE REVENUE
SHORTAGE CAUSED BY COVID**

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

Raehll said a resident contacted her and indicated that they have tried for a couple weeks to get ahold of Tim Foor as they wanted to visit the burial of a family member. Bullard will follow up with Foor.

Succession Planning-Cemetery-Raehll asked Bullard if he had the posting for an assistant cemetery sexton and he said he thought we did. She asked him to review the job description and make changes if he feels it needs it.

O'Brien called the hearing for BZC 12-002 The Greenery at 8:00 p.m to order.

Aaron Underhill the attorney for the applicant gave an overview of how they got here. He stated this site has been zoned for over eleven years now with two zonings, TPUD and PCD and allowed for 119 units of age restricted residential housing and had a lot of standards in the original zoning and preliminary development plan and they are going to expand the open space to 60%. Over time the property owner has asked for extensions and the board of trustees has given several of them over the years. He said sewer is in the area now and the market is clamoring for the product that they are presenting here which is a for-rent single-family product.

Jade Detrick presented the plan and stated that it was very similar to the prior plan. The plan provided for the same overall acreage of 36.9 with four pod cluster housing scattered throughout the site. The houses are more spread out with 40% more open space than previously. It contains detached two-story housing except for six units that up at the very front along Shanahan Road which are two units attached to each other or duplexes. There's a 50/50 mix of rear and front-loaded garages. They have front load garages that bump out and face the street and, in the interior, they are rear loaded which are accessed off an alley. He said they are not providing feasible lots they are providing for minimal separation between homes with a minimum of twelve-foot separation from home to home. The separation can happen in different ways where each home will have access to an entire side yard versus drawing the side yard lines right in the middle between the homes. The front load plan would have back yards similar. They highlight two things that had to be worked through with the zoning commissioners: 1.) That they verify that they have four-car parking for each home, which they have an exhibit to demonstrate to the trustees. 2.) They doubled the size of the pavilion. These were the two specific comments they got from the zoning commission. He said there are no other deviations that they are proposing.

Detrick said there was the question of major or minor modifications about traffic and they received an updated copy of a traffic analysis and passed out copies to everyone. He said this is summarizing that there is an inferior level of service today but rather than making improvements for an east bound left turn lane. Bullard asked if they could have a few minutes to review it since it was just handed to them, so they took a five-minute recess.

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Detrick said to summarize what they just read, on page 9 calls out the level of service of no build until the conditions and provides for a similar level of service which adds a four second delay in the build condition and the county is aware of this and they know that level of service is acceptable but because of part of their road improvement projects they have in their plans they made some comments on the front page. One comment was internal street layout does not appear to meet DCEO design standards, but they forgot that this is a condominium style lot structure from a finance standpoint and there are different requirements for that. He ended his presentation and asked for questions.

O'Brien asked what the internal roads were going to be, curb and gutter, sidewalks, kidney shape, crown shape. Dan Makley from G2 Planning & Design said right now they plan on curb and gutter with the majority of the roads being 26 feet wide to allow parking on one side. There is the central road that is 32 feet wide to allow for parking on both sides. O'Brien said plan to does not fly, it is or it isn't committed. Detrick said they would have 6 inch curbs and gutters either on one side or both sides they are still working to determine that. O'Brien asked what they have committed to. Detrick said that would be up to soil and water. O'Brien said is it V shaped, or crown shaped and Detrick said it would either be a crown shape or shed shape where it would all flow to one side with curb and gutter. O'Brien said there shall not be a V shape. Detrick said at this time they do not anticipate that. O'Brien said he needs a commitment and wants clarity on the curb and gutter. Detrick said he would look into it while they are talking and get back to him.

O'Brien asked about sidewalks. Detrick said you can see we are showing sidewalks in front of all homes which is consistently on both sides of the street. O'Brien said showing or committing and Detrick said committing and the only place they don't have sidewalks is in their required setback in one section because they can't reasonably accommodate a sidewalk there, but they are providing a connection crosswalk and showed on the map where this was. O'Brien asked if they were ADA compliant sidewalks and if they go to Shanahan Road and Detrick said yes. O'Brien asked if there were any multiuse paths. Detrick said you are seeing multiuse paths around the site that allows you to circulate, that will connect to Shanahan Road to the multiuse path that will be constructed along Shanahan Road. Detrick said the multiuse path connects to common area space and there are two sidewalks that connect all the way down to the path. Detrick showed where the multiuse path and sidewalk intersects under their pavilion.

O'Brien asked about the mail kiosk. Detrick said they provided for multi mailbox locations throughout the site. O'Brien asked how a handicap person gets to the mailbox and back. Detrick said they provided off street parking at each mailbox location so they can pull out and get to their mailbox. They did not designate any specific spaces on this. O'Brien said another thing that they started to do is the mailbox should be plumb and not tilt. Detrick said they are happy to do that.

O'Brien said they mentioned that they have a current plan and that is why they are doing a major modification and he does not see the extension that the board of trustees passed for the current time frame. You came before the board of trustees earlier and got the extension, but he doesn't see that. Detrick said we are speaking of the extension of the approved preliminary development plan. O'Brien said the reason this is important is because under the commercial part if you read our zoning text if it expires you then have to comply with the current code and the current code does not allow this. So, if it expired without an extension by the board of trustees you don't have a plan to modify. He said you did come to the board of trustees for the original extension and maybe even in 2014 but he didn't see one in 2016. Detrick said that would have been Mike Shade who is here representing the seller, who would have filed for that. Mike Shade the extensions were no longer coming to the trustees and O'Brien asked why that was because the zoning text says the trustees and it didn't change. Shade said he filed it and they never came before this body but went to the zoning commission and they voted it unanimously. O'Brien said but when you read the code what does it say. Shade said he filed it and he filed it to go to the trustees and he got it sent back from this body to the zoning commission. He thought it should come to the trustees and that is how he filed it but it was referred back and the action was taken by the zoning commission. If it was required to come back to you that is something internal within your organization. O'Brien said it doesn't say anything about BZC. Shade said that is what was done and they followed the same procedure for another plan at Hyatt's Road. Those extensions were granted in a short period. He said he was never asked to attend their meeting and they took a vote and he confirmed that with the zoning secretary on at least three occasions making sure they were in full compliance and that everything was done. He

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said the first ones came to the trustees and that is why he was surprised when he was told no that is now going to be handled by the zoning commission not by the trustees. Raehll asked if this was in 2018 and Shade said he thought it was after that because they had three-year extensions and it's not up until 2023.

Detrick said he is reviewing an email from Rippel to Shade stating that the current extension date is May 13, 2023, which was sent on October 11, 2021. O'Brien said if it came from the zoning inspector, he could give it more lip but that's from the zoning secretary and she doesn't have authority.

Raehll asked if they were familiar with the comprehensive land use plan as well as the original plan in terms of the density. Detrick said he was familiar with the previous plan. Raehll asked if he knew he was increasing the density here and Detrick said yes. Raehll asked if he knew by how much and Underhill said he did some research on this and thinks they have nine more units than was originally approved in the preliminary plan, however the planned comp commercial and office district text that was approved said in section 15.05. A 6 A Density for Planned Commercial states a maximum for 6 units per net developable acre and no divergence was requested. In the TPUD section 13.06 is says a density of 5 units per gross acre is being requested which requires a divergence from that standard of 4 building units per net developable acre and by his count if you look at the site data table from the approved plan it gives a net developable acreage of 12.81 for the PCD multiple that time six it's 76 units. Net developable area in the TPUD portion in 10.45 acres multiplied by 5 is 52 units. So, 76 units permitted in the PCD plus 52 units TPUD equals 128 units allowed overall. Shade said it matches up to his original text. Raehll said it does, but it doesn't match up to plan as it was approved and what the modification is. So, what you are asking for from the approved plan to today was a major modification and increasing the density. Underhill said the 9 units and the underlying zoning it would allow that, so they have an approved plan, they have zoning with density higher than the approved plan.

Raehll said as far as infrastructure per the traffic study, the pedestrian and bicycle units were they taking into account the current location and proximity to both the current school as well as the potential connector that could lead up to an additional school. Detrick said the current school for sure and the traffic analysis was off of the existing condition of Shanahan Road not future. Raehll said Shanahan Road was one of the few east west major connectors so it's already overloaded and there is a need to expand Shanahan Road so what you're talking about here is the access and the supporting infrastructure for a particular development plan and we know what it was for the currently approved one but for the major modification that you have submitted tonight that to her is a really important question in all of this because of the safety and infrastructure improvements that already currently with the current conditions outside of your development are necessary to that area and the surrounding area. Underhill said with traffic analysis there is a lot of back and forth with the county and traffic engineer with a lot of assumptions being made.

Raehll said in the meeting minutes they state that the property tax was going to be a commercial tax. Detrick said it would not have owner occupancy that Ohio law says and there is no case law for this type of product and they are not sure how the auditor will access it. In some places it is considered residential and others it is commercial by state statute if there are less than three homes on a lot it is considered residential. Raehll said that is correct and she is glad he brought that point up for clarification because he said on a number of occasions that this was a commercial tax on the property. But none of those products under statute currently qualify if it's a triplex or below that is considered residential. O'Brien asked if they represented it as commercial because the rates of taxation is different for commercial versus residential. Detrick said they understand that. Raehll said it is an important point that she is trying to make here. Twice they presented it as a commercial tax within the BZC meeting and you never qualified it as you did tonight and that is an important consideration. Detrick said because there is such little clarity on it they have been having on going conversations with their tax counsel so he is offering to them today that the project is not unviable if it is commercial from a financial stand point but it is up to the auditor on how they assess it. Raehll said she agreed but it is a matter of representation.

Raehll said they keep representing it as single-family homes and because there are duplexes it's just as important that you are genuine in representation that you have two units that are connected by a wall that makes it not a single-family residence. So this development plan is not single family homes only and it does have adjoining property as

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well. Detrick said we specifically said six attached and 119 detached. Raehll we are talking about increasing the density and we are also talking about a product that has not existed in our township. The item that is most problematic to Raehll is the increase in density as well as concerns related to the explosive growth across the county and what we are seeing particularly in our township and being able to have infrastructure that adequately supports the changes to the preliminary plans.

Underhill said they had this discussion at the commission on density and if anywhere in the township there was a place for this it was here given the proximity to 23 and the planned improvements to Shanahan Road and it's more on the outskirts and less impact on your streets. Raehll said that's interesting as she finds that 23 has increasingly mainly traffic issues and Shanahan as well without the improvement being in place at the time of the development. She feels it would be an unideal place for this product that would be more suited for 36/37 or someplace where there is already a connector.

O'Brien said he reviewed the text and he can see conflicting information in the text so he would not disagree that it was brought before the trustees against the current one. Detrick said he confirmed in detail that they are committing to curb and gutter on both sides of the street. O'Brien said so there would not be a slant and Detrick said there is no V but it could either be crowed or sloped in one direction. O'Brien said he understand what he is saying but he doesn't know that he likes what he is saying. Raehll asked if drainage came up before. Detrick said the BZC never asked about drainage. O'Brien said because it is a one step they don't have to. Underhill said they would provide that level of detail in the final development plan.

O'Brien asked when they talked about the distance between the residences, he is concerned with the 6 feet. Underhill asked if the question was what are the divergencies and what are not versus the approve plan O'Brien said he thinks it a divergence from our code and then you have to say well why would they have allowed that in the current plan and why it might not be in the revised plan and that has to do with fire protection and would these residences have the things that are more fire concerning than the previous plan. So the previous plan had older adults there, here you have kids and all sorts of things so he would want it to be more code compliant. Detrick said they built it to residence code and have been working with the fire department. O'Brien asked Fire Chief Miller if he had reviewed the plan and Chief Miller said no because he doesn't like the alleys, and this is exactly what they did in Evans Farms in Orange Township. O'Brien said we don't have the equipment that Orange has. Miller said it certainly needs to bolster further conversation and he would have to get with Lieutenant Arnold who was in conversations with the initial review. Underhill said he had a letter dated February 18, 2022, from lieutenant Arnold on this plan. O'Brien said he did not consider this a final letter because it list nine items and he concludes with we appreciate the opportunity to work with you in the future and thank you for your interest in Berlin Township. Miller pointed out that it also states this is a "Concept Review Only". Detrick said they submitted this for rezoning on March 18, 2022, and this letter was the most recent that they had and they have since updated the binder. O'Brien said he doesn't find it fraudulent, but he doesn't find it conclusive. Detrick said he would agree with that because they have not submitted final development plans to the fire department. Miller said there are concerns and then there is what we can live with versus what we can win.

Detrick said the garages in the alley were attached to the residences but are rear loaded with access to the alley. O'Brien said he likes the concept but how far apart are they. Detrick said the alleys were 20 feet wide with a 5-foot apron so they would be 30 feet wide. Miler said with their current apparatuses typically what they would do is look at if they have to get to the residence through the alley and the answer is possibly but more importantly is we need to get our engine as close as possible and that is why he brought up the rear load garages because typically that is a point of emphasis when you have an automobile and structurally you're going to meet the fire code because you are probably occupying the area directly adjacent and above. Without reviewing it he asked how far it was from the beginning of the alley to the end unit. Detrick did not have that information. Miller said these are some of their concerns needing to make sure if they can't get a truck down that they have enough fire hose to make that stretch to the end unit and also into the structure. Realistically 30 feet should be enough, but we know cars are going to be parked along there also. He said he would review the initial plans with lieutenant Arnold.

O'Brien said the way he reads side yard setbacks, its from a lot line the way it is written but he thinks it gives guidance, it is 12.5 feet so 12.5 foot and 12.5 foot is 25 feet. 25 Feet may

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not be what is needed but 12.5 feet doesn't seem reasonable to him. Detrick said it is in the packet and speaks to the building separation and how they define setbacks. They are setbacks from structure not property lines. The minimum separation is 12 feet. O'Brien asked why they think that is acceptable. Detrick said building code allows for that. O'Brien said building code but we're doing zoning. Underhill said the tradition neighborhoods with alleyways have smaller setbacks. O'Brien said and they come in and get a reduction, but they don't get 12 feet. Underhill said the township does not have anything like this in their code anywhere and Mr. Shade got the approval for their plan. O'Brien said they did but it was a different plan, so what he would say is you can build the approved plan.

Underhill said there are zoning rules and there are plan approvals and the hard part of your process with these modifications are what rules are we applying. Are we saying that once you approve a preliminary plan the standards that went along with the original zoning actually go away? O'Brien said what our zoning code says is that this is not allowed in the area anymore so he would go so far to say you really should go with the original plan cause it's approved. In our zoning if the plan expires it goes to the current zoning and it's not allowed in the commercial part, in the other part it is or you could come in for rezoning.

Underhill said he thought they established the process long ago when they wrote a letter to Mr. Lovelace and never got a response, they got in touch with Mr. Fowler and there's a lot of confusion about how the code is written and they determined this was the best way to go about it. They have months and months of work behind them. O'Brien said let's cut to the chase are you unwilling to change the 12 feet. Detrick said that is a very loaded question, 12 feet is with what they designed, if you have a proposal. O'Brien said his proposal would be 25 feet and then the compromise. Detrick said he is unwilling to go to 25 an O'Brien said then he might not be willing to go to 12. Fowler asked if they are seeking a change from the initial zoning plan. O'Brien said there are more units. Detrick said he is trying to figure out if they are asking for a divergence because he knows they did not request a divergence for setbacks. Underhill said when you zone into a planned district of some sort there are a set of rules that go with it and then you get a plan approved with those rules that doesn't change the underlying rules. So, if this mall of a setback was permitted somehow under zoning and was approved as part of a preliminary plan why is that not permitted now. O'Brien said that is why you have to come back to change the plan. Fowler asked if the distance between the units is the same and O'Brien said but there are more of them and if you said you were going to keep the same number of units at 6 feet. Raehll said you are also talking about different building structure. You're going from a single-story condo to a double story residence which has a number of different implications. Fowler said Underhill is correct that if it was permitted then it is what your dealing with now to some extent. O'Brien said but if you are going from one story to two story now you have a different issue about the 6 feet because fighting a fire on one story is different than fighting a fire on two stories.

Raehll asked if it was now a 4-story apartment complex that was coming in and 6 feet distance was what was approved before does that have to be what we honor or does the change, the major modification, require a full scope and review of the plan overall. Fowler said she is correct he just wants to make s they do have set in stone to a degree but if there are major modifications to what they have. O'Brien said part of the issue that he would have is even though they don't have to come up with a road plan in the step one of the two step is if they are wanting this modification then needs to know what the road is because 6 feet could be okay but it could not be okay so we can't approve 6 feet with all these other issues and if it wasn't 6 feet they wouldn't have to go through all the other issues.

Bullard asked if the Delaware County engineer looked at the traffic study and Detrick said yes and those are their comments in red. Bullard asked what they are doing to fix the streets because they state that the internal street layout does not appear to meet DCEO design standards. Detrick said it is a private street. Bullard said the street standards are there so we can get fire trucks, emergency vehicles and moving vans in. He wants to know how they are going to fix it or are they taking on the liability. Underhill said we get into these crossovers between subdivision regulations and zoning regulations and your approval here is for zoning and just because they bless it doesn't mean that the county will bless it also. They have to work with them to get there. Bullard said the second thing is it says the Delaware County Engineer has a CIP project for widening Shanahan Road and they are on the hook for \$291,000. He said there is a comment that says right turn lanes are not needed and he would like to know if that is the County engineer saying that or their consultant saying it. Detrick said their consultant prepares the document and then it is reviewed by the county engineer which has been done and they did not make a comment

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on the right turn lane. The eastbound left turn lane may be required. Bullard said he would like to point about that Shanahan Road is that the north side has the power transmission lines there and the edge of the road is going to be the edge of the road for a long time, so if you have to put a right turn lane in you have to move the whole road to the south and the existing lane would be the right turn lane. He said this is a pretty big change because they will have to buy the road frontage from the people across the street to be able to move it to the south. He's concerned that the right turn lane comment is the comment that the county has bought into and not just a consultant that has said the right thing to make people happy. He wants to make sure they are in agreement with what this says. Detrick said all he know sis that the county reviewed the document and they did not comment on it.

Bullard said they have put in article 13 and article 17 and would like to know what they are asking for because the zoning that was done for this was planned commercial and the original plan was for planned commercial there was a transitional residential district that was included in the planned commercial zoning now we have this other zoning district which is TPUD in this book so he wants to know how the two relate now. He said the first question that they came to them with was they wanted to take the plan that was originally planned commercial and keep that plan in place and not revise it a whole lot just take the age restriction out of it, take the common wall housing out of it and we said that was a major modification and sent it back but what you have come back with is a plan that has two different zoning districts in it, one which has not been through the zoning process, the TPUD, are far as making it a zoning district because it has never come to the trustees and never been through the process of referendum. Underhill said it is asking you to amend the plan in both districts which already exist. Raehll said you are asking us to consider based on the underlying zoning but when it comes to setbacks or other things you are asking us to consider it based on the approved plan. So, the approved plan was PCD and it was this density and this setbacks and it has a plan in place. If we are going to go by the underlying zoning your right the parcels have that split and they have two, that were the underlying zoning but those don't really hold right now so if your asking us to consider the modifications based on the preliminary plan that was approved then these two should not even be in here because the plan that was approved only has one. She said the preliminary plan that was approved is what they are asking them to consider this zoning against. Underhill said the preliminary plan was based on the PCD and the TPUD zoning both. Raehll said but it became one plan when it was preliminarily approved it became one preliminary plan that was zoned differently from the two-underlying zoning. Fowler asked if it had two or one and Raehll she said that parcel had two originally and when the preliminary plan was approved many years ago it was approved and became one plan within two zoning districts but the plan as a whole. When we are splitting up now we are going back to the underlying zoning for consideration not back to the preliminary plan. Bullard said his point is that we started out with planned commercial zoning and it had the transitional residential district in it to go from commercial properties to residential properties, that was probably not a good thing to do but out of that they created a TPUD which makes it very clear that it's only residential. The discussion continued with everyone giving their understanding of what the zoning was when the original zoning came in and what it is now.

Underhill said they are going to table the hearing tonight, but he would like to have more feedback on the plan itself and he will work with Fowler on the process. O'Brien said if you had no divergences from the original underlying zoning, you could have what you want but once you have the divergences then I'm going to want to have things that are normally in step 2. He would like to see a greater separation between the buildings, more of the road and little more landscaping because when it gets into separation, he wants to see how the landscaping effects sight. He asked if they were going to apply for a JEDD. Underhill said he is not opposed to it but asked if they know how their works in term of if you have people working somewhere else do they get credit. O'Brien said we are talking about that so there probably will be some offset.

Raehll said the JEDD helps the township with growth and infrastructure and that is her major concern with this plan. She said she is still unclear whether they are comparing the density against the preliminary plan or the underlying allowable text of the zoning because that make a significant difference in her standing as she is very opposed to the increase in the density that they have here tonight and if this is an administrative procedure that they are comparing to a preliminary plan then unless you decrease the density it's not going alleviate her concerns. Underhill asked if it would be the 1/16 which is currently approved. If we are talking specifically of the already approved plan it 1/16 if we are talking about which is allowed, it's 1/20. Raehll said if we are going against the preliminary plan, which is

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what her understanding was in this request for a major modification to the currently existing preliminary plan, that density increase is problematic and unless the density comes down the other changes are not relevant, the infrastructure is the other major one. O'Brien said your caught in a bind here because you're going to loss some of my support if we are going to the underlying because I want no divergencies because part of the trade off on getting divergencies was lower density. Raehll said in this preliminary plan the trade off with the increase of the density was warranted by the 55 plus community that would offload the burden on schools and traffic. O'Brien said all of that played into allowing these divergencies. Raehll said it is a bit of a bind for you all because either way whether it is preliminary or underlying you have some major challenges to tackle. She said with the potential for a JEDD that could help mitigate her concerns related to infrastructure improvements that would be necessary to support this.

Shade said if you want the divergences that were approved there is item 3 section 15.05 6 A- Density, The joint density of the two areas should be 5 units to the net developable acre. The divergence will allow the PCD and TPUD areas to operate in one total development. Raehll said that is right but they are coming in with higher density than that and that is a major issue. Underhill requested the hearing be tabled.

RESOLUTION 22-07-08 MOTION TO ACCEPT EXHIBITS #1-19 FOR BZC 12-002 #1 THE GREENERY

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

RESOLUTION 22-07-09 MOTION TO CONTINUE THE HEARING OF BZC CASE 12-002 THE GREENERY TO A DATE AND TIME CERTAIN OF AUGUST 8, 2022 AT 7:30 P.M. AT THE TOWNSHIP HALL AND RECESS THE HEARING TO THAT TIME PER THE APPLICANTS REQUEST

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

RESOLUTION 22-07-10 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(1) FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION DEMOTION, COMPENSATION OF A PUBLIC EMPLOYEE AND 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, AND CHRIS RINEHART TO ATTEND, FIRE CHIEF AT SEPARATE TIMES- 9:48 P.M

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

RESOLUTION 22-07-11 MOTION TO RETURN TO REGULAR SESSION AT 10:39 P.M.

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

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

Fire Department-

RESOLUTION 22-07-12 MOTION TO APPROVE AND OFFER TYLER BAGLEY FULLTIME ROVER POSITION AT STEP 1 PROBATIONARY RATE EFFECTIVE AUGUST 7, 2022, PENDING HIS ACCEPTANCE

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

Touch a Truck-Miller said the Touch A Truck event is August 13, 2022, 9:00 am to 12 pm at Berlin High School and will send it to Raehll to add to the newsletter.

August Fire Rescue International Training-Miller said he is going to San Antonio Texas for this training and would like the board to consider paying some of it. O'Brien asked if his other employer was paying for any of it and Miller said they were giving him the time off and they paid for it the last time he went to it. Registration fee is \$699.99, and hotel is \$823.52.

RESOLUTION 22-07-13 APPROVE UPTO \$1,500 TO FIRE RESCUE INTERNATIONAL FOR REGISTRATION AND SOME OF THE HOTEL FOR FIRE CHIEF MILLER'S EDUCATIONAL EXPENSES AND HOUSING

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

Step Increase-

Miller stated that effective July 1, 2022, there is a contract increase of 2% across the board and Conley has a step increase on July 3, 2022.

RESOLUTION 22-07- 14 APPROVE SALARY WAGES INCREASE PER COLLECTIVE BARGANING AGREEMENT FOR THE FIRE FIGHTERS AND CAPTAINS EFFECTIVE JULY 1, 2022 OF 2% AND MOVE FIRE FIGHTER CONLEY TO STEP 4 EFFECTIVE JULY 3, 2022 AT A RATE OF \$19.02

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

O'Brien said he and the chief have met with Melanie Leneghan with cooperative purchasing that can deal with the roof problems that we have. He asked her to touch base with Raehll and Bullard so they can be brought up to speed with what she is proposing. He likes what she is proposing but that is not what he is recommending. He said we can bid out the project ourselves or go out for state bid. Miller said Ashley Fire district has the same building as us, built by the same people and they just put their roof to be replaced out for bid. Raehll asked if we could go back to the builder and Miller said Ashley did, but the company is out of business. His understanding is that they had issues early on and he doesn't know if they were linked back to the contractor, but we could ask legal counsel. O'Brien asked him to check with Fowler. O'Brien said the solution that Leneghan had was about \$71,000 which was called a system with a 10-year warranty. O'Brien said he wants references. Raehll said a metal roof not lasting fourteen years is absurd. Miller said contractors that have looked at the roof have come to the same conclusion that it is not the right roof for this building. O'Brien said the \$71,000 is the fix of the roof but if there is wood damage that is not included. Miller said with this roof system it is not easy to fix the wood trusses. Raehll said we should find an inspection service that would go into the attic to see what the damage is as there is probably damage to the trusses as well as the possibility of mold which would increase the costs of repairs. O'Brien asked Miller to arrange an inspector to come out. Raehll said she had the name of someone she would send to Miller. Bullard suggested that we look into solar while we are doing the roof.

Old Business Continued-

Berlin Business Park Updates & JEDD-Raehll said she met with the county, and they shared with her that Del-Co Water is in contract right now with the Chapman parcel to construct a water tower. She does not have any other information other than it will be right next to the pumping station. She has concerns with this location but without any specifics about the design there isn't anything they can do or say. She said AEP was there also and indicated that they would be beefing up the electric capacity and were very interested in this area and asked specifically if we were interested in data centers and the county said no,

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but she said it is permissible in the code. AEP has a service where if you provide them with the types of industry you are looking to develop, they can help with some of the recruiting efforts at no cost to the township. O'Brien said he is not interested in data centers as there is very little JEDD money coming from it and there are very few workers there but if it brought a package deal, he'd be interested. It is a prime spot for a data center because there is fiber that goes along the railroad that ties into two super loops.

Raehll said she is going to meet with the Montrose Group to discuss how they could support the build out of the Berlin Business Park. She wants to make sure that we always have township representative present at these meetings. Raehll said the appendix for the properties in the incentive's agreement was 100% wrong, so they have the corrected list and they are going to have to pass an amendment to this agreement. Bullard asked if they were over inflated in what they were saying and Raehll said yes and the fact that they couldn't explain or wouldn't explain was problematic to her at the time. She is curious as to what their nature of involvement would be related to the Berlin Business Park. She would like to know if they are going to help recruit businesses because at the meeting the major issues that were brought up were recruitment of businesses and the concern of the land being so divided out among multiple property owners. O'Brien said he would like to know their track record on attracting businesses.

Building Maintenance Items-Raehll said she forwarded a quote for hanging the Smartboard by JP Handcraft. They decided where it would be located which was on the west wall of the township hall. Bullard said with the windows it wasn't as secure there, but Raehll said since it locks it should be okay.

RESOLUTION 22-07-15 APPROVE UPTO \$400 WITH EXPECTED COST TO BE \$380 TO JP HANDCRAFT FOR MOUNTING OF SMARTBOARD AND GETTING THE TECHNOLOGY SETUP

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

Raehll said JP Handcraft also does security systems, so she requested they give us a quote for that to install two cameras and a security system.

Raehll wants the rotting wood removed and replaced with brick pavers and asked if we have someone that treatments the weeds. Bullard said the road department does it when they have the time. Raehll said she had comments about power washing the building and window cleaning. She asked Rippel to get a couple quotes. Paykoff said the road department did it a couple years ago. Raehll asked if they want the road department to do it over the next thirty days or do they want to allocate some money. Bullard said he will ask them, but we can still allocate some money now.

RESOLUTION 22-07-16 APPROVE \$500 TO POWERWASH BUILDING AND WINDOWS AT THE TOWNSHIP BUILDING AND TO BE MANAGED BY RUSTEE RAEHLL

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

Raehll said the final item is technology, our sonic wall expired in April, and she had a difficult time speaking with RDI and getting information. She received a quote from Kloud 9 and they have a different approach where you get the licenses installed, they do all the maintenance, they own the access points and will own any physical hardware. They do 100% service, 24/7. It would be a three-year contract of \$3,900 a year for the admin building and fire station for the sonic wall and the WIFI setup. They will do a guest network with a separate password; they will do the IP addresses that All Secured needs. She said RDI gave us a quote for the sonic wall and came in at \$3,800 for both places but what they don't do is the additional service which we pay \$155 per service hour for them to come out anytime something happens. Kloud 9 includes all this in their package. This package does not include software updates directly to computers. We could get a quote from them on this or use another company that is smaller. She said we need to get cloud service and PC service as a separate quote. O'Brien said he talked with Miller and asked him about the

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cloud, but he wasn't able to do much with it and the reason was because of RDI, so he is very unhappy with them but he said we need to get prosecutors approval of the contract. Raehll said RDI was not able to produce basic access information and then they ended up giving her full access, which she did not request, nor did she want.

Smith said she doesn't want five different companies coming in and dealing with different pieces and asked if the new company would take over all the different charges that she gets now from RDI. Raehll said this will resolve network security and access because it's a service agreement so they take care of everything and there will be no additional costs beyond this \$3,900. Smith asked if this includes Office 365, Sofo's and connection licenses. Raehll said not all of it, they would come out when our WIFI is down, our connection to internet and our connection to security. She said it doesn't benefit them to have these things broken and outdated because we are paying for a full-service agreement, and they come out anytime it is broken. She said we need to figure out what software that we need to utilize and how we can consolidate and have someone help us with the consolidation because there is a lot out there and we need to understand what our needs are. We just need to find the right fit for our needs.

**RESOLUTION
22-07-17**

APPROVE UPTO \$4,000 WITH THE ANTICIPATED COST TO BE \$3,900 TO KLOUD 9 IT FOR A SERVICE AGREEMENT CONTINGENT UPON PROSECUTORS REVIEW AND APPROVAL OF SAID ONTRACT AGREEMENT AS TO FORM AND PERMIT TRUSTEE REAHL TO EXECUTE ALL DOCUMENTS ASSOCIATED THEREIN

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

Handbook-Bullard said he doesn't have any problems with changes that Raehll has proposed except that a table that has data, where things are one page, and the data are on another page, and he hopes it gets cleaned up. Bullard wants to make sure we run it by Riepenhoff. If we have his blessing, then we are protected. O'Brien said he hasn't read it yet. Raehll asked that they review it within the next two weeks with care especially the performance evaluation because they may not like the draft that she has in there. She used the BARS model and a three-point scale, below, met or exceeds expectations across a rubric. She said she also modified the language related to holiday pay but retained the same language as before and actually bolstered it. Bullard said he liked the language of the holiday pay because he said he thinks it said what he wanted it to. Raehll said initially Bullard said he didn't want it to say that. She said the holiday pay related to working during the holiday so make sure you review it. She retained the original language from a discussion they had previously but after their discussion Irwin had approached her and they had further conversation that bolstered her position that the current position that they have as a township is fair and reasonable and the objection that was made to that were related to it was unfair, one comment was that it was immoral and that we are not going to have people working for free and none of those objections have merit in her view.

O'Brien said he likes an even number on evaluation scales, either four or six. Raehll said she likes three or four but is open to that although the more nuance in the scale the harder it becomes to make actionable items related to that scale when it comes to performance evaluations. O'Brien said with three you have awful, average or great and he doesn't like that. He likes awful, you need some improvement, you're doing pretty good and you're going great. Raehll said what she doesn't like about that is that there are people that are simply meeting the expectations, but they aren't doing great. They continued to discuss it and Raehll said she was okay with a four-point scale. Raehll recommended doing evaluations twice a year. O'Brien said he would like for those who are doing the evaluations to have direction in there as to what is expected.

Parks & Trails (Initial Interest Survey)-Raehll said the committee met and want to do an initial interest survey and she sent the link to everyone. She said they got a quote from Beth Hugh who designed Orange Parks who was doing Berkshires, ran a failed levy in Berkshire and who now works at Cordo Construction. She put a quote together for getting the different surveys done and it was \$42,000. Of that \$11,000 was a valid reliable survey. She wants to do this initial interest survey and feels confident that it hits the mark of their initial inquiries. Raehll said the survey will be included in the newsletter. They can cut out

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that portion of the newsletter and bring it to the office, they can scan a QR code, or they can access it through the website. They discussed how you keep people from voting three times. Raehll said you would need to require identifying information. They are going to compare the demographics against it but outside of that. Raehll said the survey includes recreation components that are specifically identified as pool, splash pad, community center, the questions include to agree or disagree for parks, trails and additional recreational opportunities are needed with Berlin Township. And asks how likely you are to vote for a levy. She said if 80% of the residents say no then it will change their direction and they will go for partnership and grant opportunities. She said a couple people have volunteered to set up a stand at the Touch A Truck event and the Open House and will collect surveys through the end of October. Smith said that is where you get duplicates.

Raehll said they received another application for someone that was interested on being on the parks board.

RESOLUTION 22-07-18 APPROVE APPOINTING EILEEN FAULDS AS A MEMBER OF THE ADVISORY PARKS & TRAILS COMMITTEE EFFECTIVE 7/11/22 WITH A TERM EXPIRING 12/31/22

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

O'Brien asked if they had anyone on the board that was against it and Raehll said no. Bullard said it would be good to have someone that was. Raehll said Beth Hugh said the reason Berkshire's levy failed was because they were biting off more than they could chew, it was a lot that they were asking for. And residents didn't want to pay that much so she just wants to know if they want to pay for anything. Smith said she thought they were getting grants for all this. Raehll said grants were for establishing trails and require a plan to be in place, so you have to do investment before and then you get a grant and then maintenance after is the big part and there is not continuing grants for that that are readily available. Genoa's largest budget outside of their police department is parks and maintenance of them. They were able to make it a long time without a parks levy. Bullard said they have four or five full time employees that just work on maintaining the parks. Paykoff said you'll find establishing them is a lot less than maintaining them. Raehll said we would have to look at those things. Smith said the liability would be high for pools and splash pads also.

Fiscal Officer Items-

June Bank Statement and Electronic Payments were signed-Smith said the bank statement balanced.

Road Department-

Berkshire Middle School Sign-Bullard said Olentangy Schools asked that we install flashing lights, and the cost could be several thousand dollars and would take several days and asked if we want to do it our selves or hire it out. They asked Riedel if the county could do it and he was going to check. Raehll suggested getting a comparison of us doing it and hiring it out. Bullard said if we do this then they are going to want us to do them at all the schools. O'Brien said he doesn't want to do it then. He doesn't mind the signs being there if they pay for it to be installed, otherwise we should do what is required by state law because it's not just one school.

Dale Ford Road Ditch-Bullard said three or four years ago they dug the ditch out so it would drain and be easy to mow because we had water running across the road. Recently we have not had water on the road, so the ditch is doing what it's supposed to. Ballard met with the resident and told him if he wants to put a culvert in he can buy the culvert and do it but it needs to be to county standards but that is not something that we do. Raehll said they received an inquiry regarding clogged drain on Topsail and asked Bullard to check it out also. He said he would get with Irwin and get with them. Bullard said he took Rob Riley from county engineers office to the Summerwood HOA meeting, and they explained that the ditches were there to drain water off the road and if they want to cut the cattails out, they can do that.

O'Brien asked Raehll to have Graham check to see if the fountains have been installed at Old Harbor. She will let her know. O'Brien asked if the fountains were in next door and

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Bullard said no. Raehll said she will address it with the new owners as they are coming in for some other items.

Storage Building Proposal-Bullard said he received one quote and it is waiting on another one. Raehll asked if the size that was quoted was too large, Bullard said they measured it and that is what the size of the area is.

Bullard said they received an email from Valley Ford that they bought 100 Ford Rangers and they would be available for immediate delivery, first come, first served and suggested that Raehll contact them for a zoning vehicle. They also had Ford 550's that are good for snow plowing.

Road Maintenance Employee-Bullard said we advertised this once and he doesn't think we got any responses. Raehll said we have not, but we only put it on the website. She thinks it would be a good idea to explore other recruitment techniques.

**RESOLUTION APPROVE \$1,000 TO ADVERTISE FOR ANY OPEN POSITIONS
22-07-19 AND MANAGED BY TRUSTEE RAEHLL**

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

Weed Mowing Safety-Bullard said he talked to the guys about the giant hogweed and poison hemlock, and they are aware of it. He said the guys take an air hose and blow off the mowing tractors and the pollen is then blown around and that is not desirable. He told them if they really needed to do that, they could use the vacuum. O'Brien said he noticed that the railroad has recently sprayed them but thinks they are late because it has already gone to seed. O'Brien said if Raehll has room to add something about it to the newsletter

Orange Township Sweeper-Bullard said Orange Township is looking to buy a street sweeper and asked us if would need it to help with some of our curb and gutter streets. He said we could contract with them if we needed it. O'Brien said he would be interested in how much and how much of a commitment they want.

Trustee Items-

Newsletter-Raehll showed them the mast head that Jen our designed created. She did not like the gray, but she designed it off our prior newsletter. O'Brien said it is time to update it and we have the money. Smith reminded them where the money came from and that we will not get it again, once it's gone it's gone. Raehll would look into different printers so colors can be used. She asked that articles be sent to her this week.

Zoning-

Zoning Permit Issues and Comp Land Use Updates -Raehll said she was deferring these to the next meeting.

Cheshire Road Violations-Raehll said a resident brought in concerns related to the zoning in Cheshire. She said there are trailers that they can handle but the issues are that the buildings were put up by way of building permit when they should have gone through the zoning. O'Brien asked if the county gave the permit and Raehll said no, the zoning inspector allowed them to erect these buildings. O'Brien asked what our options were and Raehll said we could do nothing and not have the item corrected and advise the residents, because the residents have the ability to sue and do these different things, as well as we do. The issue with that is that the residents could sue us. Fowler said the zoning needs to be made right so the alternative path is we can give them forty-five days to either go through BZC or BZA but give them the options and then they go through BZA and this conditional use has merits. O'Brien asked what if BZA says no and Raehll said that was for BZA to handle. The action would start by way of the zoning inspector writing a letter and the lady that was here has the zoning text, the clear violation in a spreadsheet so it's very clear and we can write up a letter that says you have forty-five days to work towards a resolution, these are the violations that need corrected. Bullard asked if Raehll had any comments on the zoning text that she used because he thinks she used a planned industrial or planned something else not the cloud zoning for Cheshire. Raehll said they didn't pull it down from the cloud. She said a complete and utter lack of knowledge and accountability is why we have so many issues with zoning which is what we will talk about another time.

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Raehll said it looked to her that they assumed that the cloud applied and that that was the zoning so they could write a building permit because that was already the zoning. Like building something new on something that was already zoned is the best way she can make sense of it. They thought that the overlay was actually the zoning and so just like you would go for a new build on a house, that is what they did. And it was proved, all the documents are there, and we just wrongfully approved this so now we have to make it right.

Raehll said the resident that brought in the spreadsheet brought in comparative against the both the CPD and the neighborhood and technically the underlined zoning of that is the neighborhood district. We sat down with Fowler and for everyone one of those violations he made a comment on, whether or not it was enforceable, whether or not it was legit. Raehll said the real issue is that they did not go through the proper zoning process, and it is our fault. Bullard said Cheshire was neighborhood commercial, all of it, so that property was neighborhood commercial before our zoning ever took effect. Raehll said one of them was, the one on the corner that they are saying they are using as a storage facility for their own private business. The other ones, there are no codes that are in there that appear to be what are being used that were permitted, in the underlying zoning. O'Brien said it seems to him that maybe she is asking for our opinion but really it is a zoning inspector decision. Raehll said Fowler wanted her to ask them if we wanted to pursue it given potential risks on either side. If we pursue it and get it corrected the property owner can come back and we get into litigation on that side. If we don't pursue it and the residents pursue it we have potential for litigation on that side. If they are of the opinion to make it right they need to work through the options and initiate that letter and begin to make that decision right. She said we don't have a zoning inspector and if we want to resolve the issue, we have to understand that that comes with the risk either way. O'Brien said the way he always felt is that here's our zoning code, the zoning inspector enforces it. Raehll said the board can enforce it as well in certain instances, nuisances, declarations and the other item that was brought forward are the trucks that are blocking the road, we can call the sheriff but because it is a township road that is being blocked, we can also potentially pursue an injunction against them for blocking our road. She thinks that should be a part of our conversation with them but that is not anything to do with zoning. O'Brien said he doesn't want to do anything that is not in their purview number one, number two he would go with her recommendation of those things that are in our purview. Raehll said she would ask Fowler what is within the boards purview and if they are comfortable with moving forward with whatever is within their purview and what she recommends she will just do that. O'Brien said he wants it clear.

Renew Orange Township Zoning Support Contract-Raehll said the contract with Orange zoning ran out today.

RESOLUTION 22-07-20 APPROVE EXTENDING THE ORANGE TOWNSHIP ZONING SERVICE AGREEMENT FOR THREE MORE MONTHS AT ALL THE SAME PERAMITORS AS PRIOR.

Motion: Raehll
Second: O'Brien
Discussion: O'Brien said we do need a zoning inspector. Raehll said hopefully some of these recruitment efforts will help because we are not getting any nibbles.
Vote: Raehll yes, Bullard yes and O'Brien yes

Future Meetings-
08/08/22 Trustee Meeting
09/12/22 Trustee Meeting
09/26/22 Trustee Meeting
10/11/22 Trustee Meeting

Late Items-

RESOLUTION 22-07-21 MOTION TO ADJOURN

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

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 11, 22

Meeting adjourned by Chairman O'Brien at 1:19 a.m. July 12, 2022

Ken O'Brien, Chairman

ATTEST:

Meghan Raehl, Co-Chairman

Claudia Smith, Fiscal Officer

Ron Bullard, Trustee