

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m. Regular & End of the Year Meeting December 27, 2022**

**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:** Jesse Peden and Chief Miller

**PUBLIC COMMENT:** There were no public comments.

**Approval of Minutes-**

**RESOLUTION 22-12-18 APPROVE THE 12/09/22 SPECIAL MEETING MINUTES, 12/12/22 SPECIAL AND REGULAR MEETING MINUTES, AND DISPENSE WITH THE READING**

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

**Old Business-**

**Trebel Energy Gas Aggregation-** Bullard said that Stucco is still working on finalizing the contract. He had a concern that if there was ever a legal case, the aggregator (Archer Energy) could choose the lawyer that would represent the township. Bullard will get the contract signed once Stucco has approved it.

**Township Hall Rules-** Raehll created a modified draft for township hall rental rules that is included in her edit revisions to the organizational meeting minutes.

She said that there were two items that were missing from the agreement that sounded like they had been in place for a number of years, so she added explicit language for both. The first being that if you purchased a plot in Cheshire Cemetery, you could have the township hall for a couple of hours at no cost, immediately following the funeral. Secondly, we did not previously require a deposit for those individuals. But in the event that there were to be damage done to the hall there needs to be a deposit in place that once the checklist has been approved, would be refundable. Bullard asked when the time comes that we start selling plots in Fairview Cemetery, should those that pay for a plot also be allowed to use the township hall following a funeral. O'Brien said yes as long as their payment was specifically made to Berlin Township. Raehll agreed and will include Fairview Cemetery in the language. Raehll also provided clear language that the entirety of the deposit check for a hall rental will be deposited into the bank.

**JEDD-** Raehll asked that O'Brien share his document with the board, as she was not able to open what he previously sent. She will engage with them after the first of the year.

**Keys-** Raehll met with All Secured and discovered that once a key is used to unlock a door, a key will need to be used to then lock it. This explained the four instances that occurred because a key was used to unlock the door then the keypad was being used to try to relock the door. To her knowledge, all of the doors are working as intended.

Another issue is the profile roles. As she understood the boards' role in this was to track where and when people were coming in so if there was a situation that was to come up there would be tractability. She recommends that we create some kind of profile for different types/department of employees and that they all can have access to all doors at the township hall and may choose to have a double presentation if so desired. There was a discussion as to what each departments profile role would look like. The chairs of respected committees were granted to have access to lock/unlock the township hall door and should only be allowed to single or double present at that door and cannot use any other doors.

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m. Regular & End of the Year Meeting December 27, 2022**

It was discussed that only elected officials would have keys as well as the road superintendent and the fire chief. Raehll said that some may need to be permitted to use a key if the power goes out and suggested that those that the board allow to have a key would need to at their earliest convenience let the board know that the key was used and report what the issue was. O'Brien and Bullard agreed. Raehll is going to send Smith and All Secured a summary email of what was decided.

**Fiscal Officer Items-**

**Purchase Orders to be Closed/Carryover-** Smith said that she still has a purchase order out for All Secured. Raehll will ask them to send the bill so that it can be paid before the end of the year.

**Unemployment Claim-** Smith sent Raehll's question to the attorney and he replied that he was out of town and she has not received an answer yet. O'Brien feels that we have a valid claim and thinks we should pursue it.

**RESOLUTION 22-12-19 MOTION TO CONTINUE PURSUING THE TOWNSHIP'S POSITION REGARDING THE UNEMPLOYMENT CLAIM AT HAND**

Motion: O'Brien  
Second: Raehll  
Vote: O'Brien yes, Raehll yes and Bullard no  
Discussion: Bullard said that his only concern is that he does not want to spend more money going after it than what we're going to save. O'Brien agrees with him but believes that when you think it is right and it is likely that we should prevail that we should pursue it. O'Brien asked Smith if unemployment claims are paid out of our fund and she said yes. Raehll said that depending on how long the unemployment claim is engaged with, it could become a substantial amount compared to what we've put in thus far.

**RESOLUTION 22-12-20 MOTION TO ENGAGE DAVID RIEPENHOFF FOR ALL SERVICES RELATED TO THE CURRENT UNEMPLOYMENT CLAIM, NOT TO EXCEED \$3,722.15**

Motion: Raehll  
Second: Bullard  
Vote: Raehll yes, Bullard yes and O'Brien yes  
Discussion: O'Brien asked Smith to let Riepenhoff know that we have engaged him to work on this unemployment claim, without letting him know how much we have authorized and that he needs to complete it by the end of the year. Smith said she would.

Smith said that the Rinehart bill went over by \$10,643.87 and that the amount needs to be appropriated. Raehll feels that our case in this matter is very strong and part of our claim includes recouping lawyer fees.

**RESOLUTION 22-12-21 MOTION TO APPROPRIATE \$10,643.87 TO RINEHART LEGAL SERVICES FOR THE PURPOSES OF ENGAGING IN THE CELL TOWER LAWSUIT**

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

**RESOLUTION 22-12-22 MOTION TO AUTHORIZE TRUSTEE O'BRIEN TO EXECUTE ANY ADDITIONAL DOCUMENTS REGARDING DISCOVERY RESPONSES FOR THE TOWER CO CASE UNTIL JANUARY 1, 2024**

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

**Cemetery-** Nothing new.

**Fire Department-** Nothing new.

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m. Regular & End of the Year Meeting December 27, 2022**

**Road Department-** Bullard said that the pastor from Grace Point church complimented the road department for doing such a good job and keeping the roads clear during the snowstorm. Raehll asked Bullard to extend our appreciation to the road department.

Bullard spoke with Jeff Gordon from Olentangy Schools about the water drainage in the road at Berlin High School. They decided to dig a trench and put in a french drain that goes from the road to the drainage area. O’Brien said if it was built to county standards there should not be an issue.

Raehll said that the same area that has been discussed before on Cheshire Road and Piatt Road is still icing over. She is going to get a picture of it so that it can be shared with Riedel.

**Trustee Items-** Nothing new.

**Zoning Department-**

**BZC Meeting Recordings-** Raehll has not been able to get a hold of the current BZC chair, Steve Flaherty and asked Smith if he had returned his laptop. Smith said no. She did engage the soon to be chair, Jerry Valentine because he has been in contact with Flaherty and asked him to forward communications to him in hopes to get the recordings of the BZC meetings that are on his personal Zoom account. Flaherty indicated that he did not record them to his zoom plus they would not need to be provided because the meeting minutes are done through Lisa Knapp. Her communication that she would like to provide back to him is it is not a matter of the official meeting minutes rather a matter of the fact that he has created an open public record that we need to be able to retain according to our retention policy, to be able to provide upon request. She finds it unlikely that she will hear anything before the completion of his chair tenure, in which case she does see it as an abandonment of his own duties during this time. These include; lack of communication, lack of responsiveness, lack of timeliness in turning over the necessary items to the township. She is going to send him a stronger email requiring him, as his chair duties, to provide the information by December 31, 2022. She said there may be a situation in which we could get the recordings another way, by running them on Facebook and recording them onto someone’s laptop individually which will be extremely time consuming because we would have to run them in real time and will be on the township’s dollar.

Bullard said the ARB will need to take a look at the application for residential that is coming in the Berlin Business Park. He is looking at other townships to find active ARBs to use what they have already created as a template to be able to build our ARB. Raehll said that the residential portion is not coming through the overlay because they requested it to go through the standard PRD zoning but in the next couple of weeks the industrial portion is coming through the overlay.

**Future Meetings-** None

**Late Items-** Raehll said that three Parks and Trails committee members term expires December 31, 2022 and asked to extend each of their terms.

**RESOLUTION 22-12-23 MOTION TO RENEW THE APPOINTMENT OF ZACH BROWN, HILLARY CENRY AND EILEEN FAULDS TO AN ADDITIONAL TWO YEARS ON THE PARKS AND TRAILS COMMITTEE, SET TO EXPIRE DECEMBER 31, 2024**

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

**Adjourn-**

**RESOLUTION 22-12-24 MOTION TO ADJOURN**

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

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m. Regular & End of the Year Meeting December 27, 2022**

Meeting was adjourned by Chairman O'Brien at 7:35 P.M.

\_\_\_\_\_  
Ken O'Brien, Chairman

ATTEST:

\_\_\_\_\_  
Meghan Raehl, Vice-Chair

\_\_\_\_\_  
Theresa Taylor, Fiscal Officer Assistant

\_\_\_\_\_  
Ron Bullard, Trustee