

Berkshire Township Trustees  
Regular Meeting Minutes  
September 10, 2018  
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Rod called the meeting to order at 7:00 p.m.

Roll Call: Bill Holtry, here; Rodney Myers, here; and Mike Dattilo, here.

Approval of the August 27, 2018 meeting minutes.

Bill made a motion to approve the meeting minutes. Second by Mike. Vote: Bill Holtry, yes; Rod Myers, yes and Mike Dattilo, yes.

**Public Participation:**

Rod explained the new recording system is in place and any person that would like to speak should come to the speaker and state their name and where they live.

Ellen Ebe- Holley Woods Dr. – concern over Planet Oasis- Plain Dealer Article and Delaware County Sheriff statistics

Angela – Bent Tree Rd. – traffic concerns Planet Oasis

Rod explained there are 3 different Trustees with 3 different views. Rod advised he would like to see something else go in besides Planet Oasis.

Bill Holtry – to Ellen Ebe no news to report with Planet Oasis to the Plain Dealer. No new talks with Planet Oasis. The Mall split the township in half. Bill advised not for or against because it will go to the Zoning Board, if they bring the Zoning Board and It fits the Zoning Code – They will come. Bill advised he thinks Rod Myers should be the spokesman for the Township on this issue since he is against Planet Oasis and the Parks and Trail Plan.

Josh Varbel – Blayne Road – Planet Oasis concerns and Plain Dealer article.

Rod made the following statement: He went to every Mall meeting. He lives in the community and wants to see nice businesses that can support the township residents. Zoning Board has the final decision as the land has already been zoned. The Trustees will have no say in the Zoning Matter. Rod agreed to take over the communication with Glimcher. Jeff George has a meeting with Regional Planning over Planet Oasis. Sketch Plan is a sheet of paper with a drawing.

Penny Bennett- Delaware City Resident, Congress Court – works in Delaware City – Planet Oasis

Vicki Hughes – Rome Corners Road – Planet Oasis and referendum questions

Craig L. – Cheshire Road - Roles Zoning Board and Trustees on the Planet Oasis issue- Kings Island

Mason Policy report of security

Deanna Conti – Alexander Road – Move in from Columbus – Planet Oasis

**Old Business:**

Rod explained Mark Fowler, Delaware County Prosecutor's Office would be here soon to give updated information on the Estates at Cheshire Woods Bike Path situation.

**Park Master Plan Update-**

Shawna Burkham explained the PAC Committee has received the draft of the Master Plan. It will be gone over by the Trustees and they will give their feedback. She advised an open house will be held to let the residence see the Plan and ask questions. A Postcard will go out in about a month with information on this. She also said Monarch butterflies are being tagged and released in the park. Rod and Mike both have meetings tomorrow morning.

Bill gave the group his overview and advised Rod is against the Parks.

Rod came back to let the people know he is not against the Parks. He was very much for the Park on the property. He is against the amount of money being used on the Parks and does think the Township needs to go "Park" crazy. No problem with putting money aside.

Shawna stated the majority of the funds are being spent on the Master Plan. The Township had to look to the experts to help develop this Plan. Grants are received/given when there is a Master Plan in place. This process gives the Township a functioning Master Plan to generate fund for Grants.

**New Business:**

**Road Update –** Mike Dattilo advised he drove the roads and checked the work done in the last two years:

**Culvert Work:** Dustin Road, 3B's and K Road, Joe Walker Road, Domigan Road, Alexander Road, Berkshire Road. Apron work on Johnny Cake

Rod gave a Kudos to the maintenance Department doing a tremendous job on grounds and cemetery work.

**Sunbury JEDD –** Rod explained he met with Tom Hatfield, Mayor of Village of Sunbury. They still need a partner for the JEDD. Sunbury has asked Berkshire Township if they would like to partner with Sunbury on the JEDD. The Trustees need to decide if they want to participate. The split is 85/15. The one with Delaware City is 75/25. The Trustees decided to extend an invitation, to the Mayor of the Village of Sunbury to the next meeting to discuss this.

**TSC Zoning Application 18-090 –** East of Carter's Corner and Rt 36/37. The special meeting on September 24, 2018 and also for the tabled application 18-015 of Northern Columbus Athletic Assn. on Carter's Corner Road.

**Northern Columbus Athletic Assn.**

Rod made a motion to hold Special Meeting on 6:45 p.m. on September 24, 2018 for both at the Berkshire Township Hall, 1454 Rome Corners Road, Galena, Ohio 43021. Second by Bill. Vote:

Unanimous

18-9-1 Bill made a motion to approve a then and now purchase order for the Delaware County Engineers for the work on Blayney Road, Alexander Road and Golf Course Road in the amount of 5,000.00 Second by Mike. Vote: Unanimous

18-9-2 Rod made a motion to approve a purchase order for Rinehart Legal Service, Ltd.s, Chris Rinehart for legal services in the amount of \$3,000.00. Second by Bill. Vote: Unanimous.

18-9-3 Rod made a motion to approve a purchase order for Brosius, Johnson & Griggs, LLC for legal services in the amount of \$10,000.00. Second by Bill. Vote: Unanimous.

Rod advised Mark Fowler will be arriving to go over the Cheshire Estates Walking Paths. Questions from the Trustees. Confirming what the opinion he sent the Township represents. The paths could be over \$300,000.00 Path have to put in correctly with proper engineering and prevailing wage.

Ellen Ebe came to the speaker and ask if the Regional Planning meeting an open Meeting. Jeff George advised he did not think so. The recording device is it satisfactory? Can the JEDD split be negotiated and The Trustees can. Bill tried to do that but no response from the Mayor. The split seems pretty set. Berkshire can refuse it.

Trash concerns/issue

Susie Blessings – Dustin Road - Trash issue/concerns.

Mark Fowler arrived-

Cheshire Estate Paths – Trustee Board gave them 1 year to get the paths done. Community has options to go the zoning Board or the Board of Zoning Appeals to solve this problem on their own or the Township can do the work and access the property owner's taxes.

Mark Fowler – Zoning Violation. Final Development plan which is the Zoning law for that development. Options – Seek to have final development amended through the Zoning Board. Each property owner must agree to be applicant to change the zoning on the property. Also, can go to the BZA for a variance on each property and met the legal requirements for a variance.

The Township can pursue it as a Zoning violation. The Board would probably have to take to court and court ordered to put in their path.

The Board of Trustees have the authority to install sidewalks. The Township would have to work with the County Engineer and put the cost on the property owners.

Jeff George and Dave Weade met with an attorney who represents the residents of the development. Jeff advised to give it time for the Attorney to help the residents work through this. He advised the Attorney would come back in 30 days to let them know what the residents are thinking. The amount put on the tax assessment is most likely over 5 years.

Rod hopes the homeowner's will get on board and do something.

Craig Long – Hatherton Place– Cheshire Estates paid for bike path. Lack of enforcement.

Dave Weade discussion with Attorney was a get to know each other. He wanted to meet with property owners and needed to advertise properly. He wanted to get this done in 10 days. Dave advised the attorney would need to get us an answer within 30 days.

Brandon – Cheshire Woods Estates -has a bike path in with no options.

Rod advised waiting a month. Then advising the property owners, If the Township puts them in here is what it is going to cost you or the homeowner's do it yourself and they would determine their cost.

Mark Fowler advised a suit could be brought against anyone that does not comply and ask for an expedited case. The Board has decided the path are going in either way. Bill advised they have 30 days to come up with a plan. Development Plan has no specifications on how the path go in.

Mark Fowler wants to stop by to look over the Plan for the Development.

Craig – HOA docs once the paths are in the HOA will maintain. 95% sure of this.

Rod advised the Trustees are now going to go into Executive Session under the ORC 121.22-G1 to consider the appointment of an employee when the time comes. Second by Bill. Rod invited Jeff George, Township Administrator, Shawna and Melody George, Fiscal Officer at 8:26 p.m.

Rod made the announcement coming back out of Executive Session at 8:44 p.m. Second by Bill.

Rod advised Shawna Burkham is going to semi retire at the beginning of the year. She will be assigned the duties of solely maintaining the website and the newsletter. They will be looking for a replacement of her position as Cemetery Sexton, Zoning Secretary and Assistant to the Township Administrator in the range of \$17.00 to \$20.00 an hour.

Bill made a motion to authorize the fiscal officer to pay the bills. Second by Mike. Vote: Unanimous

Bill made a motion to adjourn the meeting at 8:50 p.m. Second by Mike. Vote: Unanimous