

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting April 26, 21

HELD AT: This meeting was held virtually by Zoom, Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Chairman

PLEDGE OF ALLEGIANCE: Tom D’Amico led the Pledge of Allegiance

ROLL CALL: Ken O’Brien, Tom D’Amico, Ron Bullard, Claudia Smith, Fiscal Officer, Theresa Taylor, Assistant Fiscal Officer

ATTENDANCE: Joe Pichert, Damon Kraus, Meghan Raehll, Tim Foor and Robert Meadows

**Approval of Minutes-
RESOLUTION 21-04-17 APPROVE THE 04/07/21 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING**

Motion: O’Brien
Second: D’Amico
Vote: O’Brien yes, D’Amico yes and Bullard yes

RESOLUTION 21-04-18 APPROVE THE 04/12/12 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

Motion: O’Brien
Second: Bullard
Vote: O’Brien yes, D’Amico yes and Bullard yes

Old Business –

Fairview Cemetery Updates and Fees & Rules - D’Amico stated that he and Foor discussed how to charge and what the fee should be to install headstones at Fairview cemetery based on gravel and other materials needed. They decided to charge a \$.40 cents per square inch with a minimum charge of \$125 for the months of May and October, due to Foor’s availability. For the other 10 months of the year, the cost will be \$.50 cents per square inch with a minimum charge of \$200. O’Brien stated that he had concerns over the differential charge. He asked what the charge was at Cheshire cemetery. D’Amico answered that it was \$.75-\$1.00 per square surface with a minimum charge of \$750 per foundation. D’Amico commented that Cheshire and Fairview have different needs when it comes to concrete. Bullard thought the price was fair. Bullard asked if anything extra would be needed to secure the gravel to the brass markers. D’Amico stated that the brass markers should be mounted to a piece of granite or concrete although it is not a requirement at this time. O’Brien agreed after it was discussed.

RESOLUTION 21-04-19 MOTION FOR THE INSTALLATION OF MARKER FOUNDATIONS WITH GRAVEL AT FAIRVIEW CEMETERY TO BE CHARGED AS FOLLOWS; FOR THE MONTHS OF MAY AND OCTOBER THE FEE WILL BE \$.40 CENTS PER SQUARE INCH WITH THE MINIMUM CHARGE BEING \$125, FOR THE OTHER TEN MONTHS OF THE YEAR THE FEE WILL BE \$.50 CENTS PER SQUARE INCH WITH THE MINIMUM CHARGE BEING \$200; DEPENDENT OF CEMETERY SEXTONS’ AVAILABILITY

Motion: D’Amico
Second: O’Brien
Vote: D’Amico yes, Bullard yes and O’Brien yes

D’Amico asked for clarification on how to go about getting Foor protective wear. Smith stated that he would have to be added to the township’s credit account or have someone go with him. Another possibility, is to have him look it up online and then have Smith order it.

D’Amico stated that he would like to keep the resolution concerning the two-high crypts on hold because as of now there have been no two-high crypts found. Foor stated that the ground penetrating radar will be able to locate if there are any and then we can move forward if there are any found. Bullard asked if there was a date for the ground penetrating radar. D’Amico said that they are looking at May.

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Piatt Road Updates- Smith stated that there are seven properties that need to be paid totaling \$43,323.

**RESOLUTION
21-04-20**

**MOTION TO APPROVE \$43,323 TO PAY FOR THE ACQUISITIONS
NEEDED FOR THE EASEMENT ON PIATT ROAD**

Motion: D’Amico

Second: O’Brien

Vote: D’Amico yes, Bullard yes and O’Brien yes

Discussion: O’Brien asked if we had received the bond from the Temple. D’Amico is unsure but will talk with Riedel.

JEDD- Nothing new.

Fire Chief Hiring- O’Brien stated that Dyann McDowell would like all applications on May 21st and that the applications should be funneled through Smith.

Fire Hydrant Installation Policy- Pichert stated that Ballard has a draft with recommendations that include a flow chart on how the fire hydrants are selected and installed. O’Brien stated that he would also like the fire department to include a list of available and needed areas that meet the requirement and then rank them in order of need, then include it in the final draft.

Fulltime Firefighter Hiring- This will be discussed in executive session.

Employee Handbook & Job Description- O’Brien stated that people seem to be happy with the job descriptions but they do have questions with the handbook. The first being, that anywhere the cemeteries were named, Fairview Cemetery was left out and this also included the job description area. O’Brien will have that added. The second being, that if someone goes on any sort of leave during a probationary period, then should it automatically extend the probationary period by an equal length of time. This would not include the bargaining unit as it is already established in their contract. Bullard and D’Amico agreed that it should.

*****6:30 P.M. TIME CERTAIN BZC #21-002 AMERICA’S HOME PLACE HEARING*****

Bullard called the meeting to order. Bullard explained the trustees concern was making sure that the property that is asking to be zoned has access to Route 36/37. Damon Kraus, representative for America’s Home Place, stated that they have added the plat along with new verbiage including the description along with the marking of light posts, the sidewalk and landscaping. D’Amico stated that he was happy to see the additional layout for the parking and the letter from ODOT stating that they are not requiring a driveway. Kraus stated that after a conversation with Loveless, it was determined that three (3) additional spaces would need to be added per the square footage but due to the concern of the trustees with it being able to be a stand-alone lot, they are going to add nine (9) additional spaces for parking.

Kraus also stated that there would be no access to Route 36/37 for the new plot due to them not using it. Instead, there will be an access road built to 3 B’s & K with a shared easement from lot’s 1900 and 1901. O’Brien asked who the easement was granted to. Kraus’s surveyor responded that they are reciprocal easements to those that own property within the confines of the subdivision, which are lots 1899-1902.

**RESOLUTION
21-04-21**

**MOTION TO ACCEPT EXHIBIT #12 TO BZC #21-002,
AMERICA’S HOME PLACE, DATED 4/26/21**

Motion: Bullard

Second: O’Brien

Vote: Bullard yes, O’Brien yes and D’Amico yes

**RESOLUTION
21-04-22**

**MOTION TO APPROVE BZC #21-002, AMERICA’S HOME PLACE
INCLUDING 12 EXHIBITS WITH THE LATTER EXHIBITS TAKING
PRECEDENT OVER ANY EARLIER EXHIBITS**

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Motion: Bullard
Second: O'Brien
Vote: Bullard yes, O'Brien yes and D'Amico yes

Smith asked Kraus to send her all the updated documents in an electronic format. Kraus stated that he would.

Trails and Recreation Committee- Bullard asked if the information from Ballard met the other trustee's needs for the trails and recreation committee. O'Brien stated that he feels there needs to be parameters with a sunset clause. Bullard suggested four years. O'Brien agreed. D'Amico asked if any recommendations from the committee would also include a funding source. Bullard answered yes. All trustees agree this needs to happen. The following is a **DRAFT** of the proposed resolution:

**BERLIN TOWNSHIP BOARD OF TRUSTEES
DELAWARE COUNTY, OHIO**

DATE: _____

RESOLUTION NO. _____

RESOLUTION CREATING A PARKS & TRAILS ADVISORY COMMITTEE

The Board of Trustees of Berlin Township, Delaware County, Ohio ("Board") met in _____ session on _____, 2021 with the following members present:

_____.

_____ Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, _____

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED:

1. There is hereby created a Parks & Trails Advisory Committee. The Committee's charter shall be as follows:

“Article I: Purpose of Committee. The Committee shall act as an advisory body to the Trustees regarding matters concerning the development, planning and use of the parks, trails and recreational areas located within, and owned by, the Township. Service on the Committee shall be voluntary and unpaid.

Article II: Authority of Committee. The Committee shall have no independent authority to act on behalf of the Township. However, upon a duly passed resolution, the Trustees may provide limited authority and discretion to Members of the Committee from time-to-time to act on behalf of the Committee and the Township. The limited scope of such authority may include the filing

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of grants on behalf of the Township or such limited authority as the Trustees duly grant by resolution in their sole discretion.

Article III: Functions of Committee. The Committee shall function as an advisory body to the Trustees focusing on the development of the parks and their infrastructure and the promotion of public use of the parks and trails by residents of the Township and others.

Article IV: Membership of Committee.

(a) The Committee shall consist of a minimum of five (5) with a maximum of eleven (11) Members, each of whom must be a resident of the Township. The Board of Trustees shall also appoint one employee of the Township or a Member of the Board of Trustees to serve as the Liaison between the Committee and the Trustees.

(b) A person desiring to become a Member of the Committee must be at least eighteen (18) years old and shall submit a letter of interest and resume to the Committee for review. Upon review of such information, the Committee shall make a recommendation to the Trustees regarding the appointment of such person as a Member of the Committee. The Trustees, in their sole discretion, shall decide whether a person is appointed as a Member of the Committee.

(c) Once appointed to the Committee, a person shall serve on the Committee until the earlier of the following:

- 1) The Member is no longer a resident of the Township;
- 2) The Member resigns;
- 3) The Trustees remove the Member from the Committee; or,
- 4) The expiration of the Member's current Term.

Article V: Class of Members; Term of Members; Attendance. The Members shall be divided into two classes. Each class shall contain at least two (2), but no more than six (6) Members and have a two-year Term. The Term of each class shall be staggered such that only one class of Members shall have their Term expire in any given year. Terms will end on December 31st. The Secretary shall be responsible for maintaining the roster of Members, the class of each member, and the expiration of each member's Term. If the Member is appointed to the Committee in the middle of the Term for his or her respective class, the Member shall initially serve the remainder of the Term applicable to such class. There is no limit to the number of Terms which a Member may serve. Members must attend two-thirds ($\frac{2}{3}$) of the regularly scheduled meetings to remain a Member in good standing; otherwise they will be reviewed by the Officers of Committee for recommendation of discipline, up to and including removal of the individual from the Committee. The Trustees, in their sole discretion, shall make the final disciplinary decision.

Article VI: Officers of Committee; Liaison. The Committee shall elect one of its Members to the offices of President, Vice President, and Secretary. The election shall occur in either November or December of each calendar year with such elected Member to take office in January of the following calendar year. If an officer resigns as a Member of the Committee during the calendar year, the Committee shall elect another Member to fill that office for the remainder of that calendar year. The Trustees shall appoint a Liaison to the Committee.

(a) President – The President shall be responsible for presiding over meetings of the Committee and coordinating the activities of the Committee. The President shall be responsible for reporting to the Trustees on the activities of the Committee and conveying to the Trustees the advice and position of the Committee regarding matters concerning the parks of the Township.

(b) Vice President – The Vice President shall be responsible for assuming the President's activities and duties in the event the President is unable to fulfill such activities and duties.

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(c) Secretary – The Secretary shall be responsible for maintaining accurate minutes of all meetings of the Committee and filing such minutes with the Township Administrator and maintaining a current and active roster of Members.

(d) Liaison – The Liaison shall be an employee of the Township, or a member of the Board of Trustees, appointed by the Trustees to coordinate Township activities with the Committee and to provide a channel of communication between the Committee and the Trustees. The Liaison does not have voting rights.

Article VII: Subcommittees; Subcommittee Meetings. The Committee may create subcommittees as needed to further the purposes of the Committee. A subcommittee may hold meetings independent and separate from the meetings of the Committee. While any such subcommittee shall keep the Committee informed of its actions and shall consult the Committee before major decisions, a subcommittee shall operate independent of the oversight of the Committee.

Article VIII: Committee Meetings. The Committee shall meet once a month for at least ten (10) months of the year.”

- 2. This Board finds and determines that all formal actions of this Board concerning and related to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, §121.22 of the Ohio Revised Code, except as otherwise permitted thereby.
- 3. This Resolution shall take effect and be in force immediately upon passage.

Voted on and signed this _____ in Berlin Township, Delaware County, Ohio.

**BOARD OF TRUSTEES OF
BERLIN TOWNSHIP,
DELAWARE COUNTY, OHIO**

Ronald Bullard
Trustee

Ken O’Brien
Trustee

Tom D’Amico
Trustee

Attest:

Claudia Smith
Berlin Township Fiscal Officer

Storage Building- Bullard spoke with Ballard who stated that anything over \$50,000 would have to go to bid, an architect could be hired but that would be separate from the actual building bid. O’Brien asked if there would have to be a request for qualifications for the architect. Bullard said no. Bullard is going to ask other townships who they have used for architects and possibly have a recommendation at the next trustee meeting.

Spring Newsletter- Bullard stated that he has received all the articles for the spring newsletter and will have it put together by April 30, 2021 for the other trustees to look over.

Zoning Hearing Policy- Bullard has not spoke to Ballard about it but will follow up.

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Computer Distribution- Smith stated that she has heard the BZA does not want to use them because they do not do Zoom meetings. She asked Kessler to bring back the 4 cleaned-out computers that were used by the trustees and fiscal office and told him we were not going to upgrade the memory. She said two of them will go the road department so that they can use them to clock their hours. O’Brien feels that due to certain cases the BZA has or will have that they should use the computers. Bullard agrees.

Fiscal Officer Items-

American Rescue Plan- Smith stated that there is more money available through the American Rescue Plan. She said that the township still has \$36,000 from the CARES Act Funding. Smith is unsure of how the amount is determined or who will qualify for it. O’Brien stated that we should get more clarification from Ballard. Smith will check with Ballard.

Cemetery- Buell spoke with D’Amico about bagworms being at Cheshire Cemetery. D’Amico reached out to Pony Landscaping and is waiting to hear from them.

RESOLUTION 21-04-23 MOTION TO APPROPRIATE UP TO \$1,000 FOR TRUSTEE D’AMICO TO USE FOR INSECT CONTROL AT CHESHIRE CEMETERY

Motion: Bullard
Second: O’Brien
Vote: O’Brien yes, D’Amico yes and Bullard yes

Road Department-

Damaged Mailbox- Bullard stated that a resident had sent a picture of their mailbox that had been damaged due to heavy snow. Bullard explained the township’s current policy as follows; if there is damage due to wet snow the mailbox should be able to handle it, but if the mailbox was hit by a township snowplow, then the township would replace it at a cost of no more than \$75. Since the mailbox in question was not hit by a snowplow, the township will not pay for it. Bullard will contact the resident.

Snowplow Replacement- Bullard stated that the snow plow on the old International truck is rusted and is no longer usable.

RESOLUTION 21-04-24 MOTION TO APPROPRIATE UP TO \$12,000 TO THE DEXTER COMPANY FOR THE REPLACEMENT OF THE SNOW PLOW ON THE OLD INTERNATIONAL TRUCK

Motion: Bullard
Second: O’Brien
Vote: O’Brien yes, D’Amico yes and Bullard yes

Street Trees Oldefield Estates- Bullard stated that under the townships old policy, street trees were allowed to be planted in the subdivisions. The road department recently had gone through and trimmed a few of the street trees. Bullard said that a few residents of Oldefield Estates had questioned the ownership of those trees. Bullard stated that the land belongs to the township but the trees are the residents. The HOA would like to know if they are able to replace those trees and if so, who would be responsible for that. Bullard explained that under the current policy, street trees are not allowed to be planted. O’Brien said that what was put into the zoning needed to be reviewed.

Taylor stated that a few residents have looked into what trees were allowed to be planted and that some of the trees planted were not on the permitted list. Taylor said that some of the trees have damaged the sidewalks and have rooted into the yards. O’Brien said that if they are not the trees that were approved, they should be removed by MI, who was the builder that put them in. If they are trees that were approved, they should not be causing any problems. D’Amico agrees with O’Brien but also stated that he does not think MI will help with removal and/or replacement due to the warranties being expired but feels the HOA should reach out to them. Bullard’s concern is that the HOA would require a resident to replace a diseased tree and he is not comfortable with that, he would rather there be no tree than to replace any. O’Brien feels that it is a legal question and should be directed to Ballard.

Trustee Items- There were no trustee items.

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Zoning Department- D’Amico stated that he received an application for a BZA alternate with good qualifications. O’Brien agreed. D’Amico will talk with the applicant and come back with a recommendation at the next trustee meeting.

Public Comment- There were no public comments.

Future Meetings-
05/10/21 Trustee Meeting
05/24/21 Trustee Meeting
06/14/21 Trustee Meeting

Late Items- Bullard stated that he along with Kevin Vaughn (Berkshire Township) and Kevin Hennesey (Delaware Township) have been working to combine the three townships for a possible new contract with Rumpke trash. O’Brien asked for more information about TIFing in case the JEDD talks do not come to a successful ending.

Fire Department- Requisitions- RESOLUTION 21-04-25 MOTION TO APPROVE \$15,000 TO MOUNT CARMEL OCCUPATIONAL FOR ANNUAL FIRE FIGHTER PHYSICALS

Motion: O’Brien
Second: Bullard
Vote: D’Amico yes, Bullard yes and O’Brien yes
Discussion: Bullard stated that there were problems with the EKG’s last year and he wants to make sure the fire department is using Mount Carmel because that is who they want to use for the physicals. If there are any problems, the fire department should make the Board of Trustees aware of them.

RESOLUTION 21-04-26 MOTION TO APPROVE REQUISITION #2021-04 TO JACKS WAX FOR THE AMOUNT OF \$1,007.46 TO MAINTAIN THE INTERIOR AND EXTERIOR OF THE VEHICLES

Motion: O’Brien
Second: Bullard
Vote: D’Amico yes, Bullard yes and O’Brien yes

RESOLUTION 21-04-27 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22(G)(1) TO CONSIDER APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL-THREE TRUSTEES, FISCAL OFFICER, ASSISTANT FISCAL OFFICER TO ATTEND- 7:43 P.M. /PICHERT JOINED AT 8:18 P.M.

Motion: O’Brien
Second: D’Amico
Vote: Bullard yes, O’Brien yes and D’Amico yes

RESOLUTION 21-04-28 MOTION TO RETURN TO REGULAR SESSION- 8:25 P.M.

Motion: O’Brien
Second: D’Amico
Vote: Bullard yes, O’Brien yes and D’Amico yes

Bullard “We met in executive session and no decisions were made and no actions were taken”.

RESOLUTION 21-04-29 MOTION TO HIRE ROBERT MEADOWS FOR A FULL-TIME FIREFIGHTER POSITION WITH A PROBATIONARY PERIOD OF 1-YEAR AT THE FF STEP 1 RATE OF \$15.64/HOUR, APPOINTMENT NOT TO TAKE EFFECT PRIOR TO MAY 16TH, 2021 THE EFFECTIVE DATE WILL BE COMMUNICATED TO THE FISCAL OFFICER BY ASSISTANT CHIEF PICHERT PENDING THE

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RESULTS OF AN ANNUAL MEDICAL EXAM, UPON THE RECOMMENDATION OF ASSISTANT CHIEF PICHERT

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, D'Amico yes and Bullard yes

RESOLUTION 21-04-30 MOTION TO INCREASE SAM DINGUS PAY TO \$20.18/HOUR EFFECTIVE DATE TO BE APRIL 18TH, 2021

Motion: Bullard
Second: D'Amico
Vote: O'Brien yes, D'Amico yes and Bullard yes

RESOLUTION 21-04-31 MOTION UPON THE RECOMMENDATION OF ASSISTANT FIRE CHIEF PICHERT TO HIRE STEVEN THOMPSON FOR A FULL-TIME FIREFIGHTER POSITION WITH A PROBATIONARY PERIOD OF 1-YEAR AT THE FF STEP 3 RATE OF \$17.40/HOUR IN ACCORDANCE WITH THE ADVANCE STEP HIRING SECTION 29.3 OF THE COLLECTIVE BARGAINING AGREEMENT, APPOINTMENT NOT TO TAKE EFFECT PRIOR TO MAY 16TH, 2021 THE EFFECTIVE DATE WILL BE COMMUNICATED TO THE FISCAL OFFICER BY ASSISTANT CHIEF PICHERT PENDING THE RESULTS OF AN ANNUAL MEDICAL EXAM

Motion: O'Brien
Second: D'Amico
Vote: D'Amico yes, Bullard yes and O'Brien yes

Pichert will contact Meadows and Thompson about their medical insurance.

Bullard stated that Michelle Gatchell from WDLR would like to do an interview with a trustee about what is going on in Berlin Township. Bullard will contact her.

Adjourn-RESOLUTION 21-04-32 MOTION TO ADJOURN

Motion: O'Brien
Second: D'Amico
Vote: D'Amico yes, Bullard yes and O'Brien yes

Meeting adjourned by Chairman Bullard at 8:34 p.m.

Ron Bullard, Trustee

ATTEST:

Ken O'Brien, Trustee

Theresa Taylor, Assistant Fiscal Officer

Tom D'Amico, Trustee