

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m.**

**Trustee Meeting**

**May 24,**

**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, Tim Foor, Kevin Hennessy, Scott Brown and Angela Brown

**Approval of Minutes-  
RESOLUTION 21-05-13 APPROVE THE 05/10/21 SPECIAL MEETING MINUTES  
AND DISPENSE WITH THE READING**

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

**Old Business –**

**Fairview Cemetery Updates and Fees & Rules-** D’Amico stated that he and Foor will have the updated fees and rules completed by June. Foor stated that edging needs to be done around the headstones. D’Amico will contact Pony Landscaping. D’Amico stated that Ballard would like to add language to the contract from OVAI Consulting Services, for the ground penetrating radar being done at Fairview.

**RESOLUTION 21-05-14 MOTION TO APPOINT AND AUTHORIZE TRUSTEE D’AMICO  
TO EXECUTE THE GROUND PENETRATING RADAR CONTRACT  
FOR FAIRVIEW CEMETERY**

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

**Piatt Road Updates-** D’Amico stated that Ballard would like the boards permission to move forward with negotiations on the Reiner parcel and the Mauve Meadows parcel. Bullard stated that Riedel confirmed that the OPWC was granted for Piatt Road.

**RESOLUTION 21-05-15 MOTION TO AUTHORIZE TRUSTEE D’AMICO TO ANSWER  
CHRIS BALLARD’S QUESTIONS IN A WAY THAT IS  
EXPEDITIOUS IN COMPLETING THE REQUIRED RIGHT-OF-  
WAY FOR PIATT ROAD, AND TO GIVE HIM ALL EXECUTION  
POWERS THAT ARE NECESSARY TO GET IT ACCOMPLISHED**

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

**JEDD-** O’Brien stated that he was not getting a straight answer from the county so he asked Albers to contact Aric Hochstetler to find out what he said he was going to try to get from them. Albers will get back with O’Brien.

**Fire Chief Hiring-** O’Brien stated that McDowell is recommending five of the applicants move on to the interview process. Bullard suggested that she use Zoom to do the interviews, so that the township does not have to pay for the cleaning of the township hall after each interview is completed. O’Brien will let McDowell know.

**Fire Hydrant Installation Policy-** O’Brien stated that overall, he is happy with the policy but would like to see an addition that shows how the potential placements are ranked in priority. Bullard agreed. Pichert will work on it and send a revised version with a score sheet included to the trustees. O’Brien suggested making the score sheet as an appendix so that it can be changed without changing the whole policy, as the township grows.

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**Fire Levy-** Ballard sent a list of things that needed to be accomplished. The first is a resolution of necessity for the levy. This will allow the collection of information to see what the renewal of the levy would bring to the fire department.

**RESOLUTION  
21-05-16**

**MOTION OF NECESSITY TO LEVY A RENEWAL TAX FOR THE  
FIRE DEPARTMENT**

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

**RESOLUTION NO. 21-05-16**

**A RESOLUTION OF NECESSITY TO LEVY A RENEWAL  
TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF  
FIRE PROTECTION  
(R.C. §§ 5705.03, 5705.19(I), 5705.191, 5705.192, and 5705.25)**

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in regular session on May 4, 2021 with the following members present:

Ron Bullard

Ken O’Brien

Tom D’Amico

O’Brien Moved the adoption of the following Resolution:

**PREAMBLE**

**WHEREAS**, the amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements to provide fire protection in Berlin Township, Delaware County, Ohio (“Township”); and,

**WHEREAS**, it is necessary to levy a tax in excess of the ten-mill limitation; and

**WHEREAS**, the levy would be for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire alarm communications, for the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including payment of the firefighter employers' contribution required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs, said purposes being authorized by R.C. § 5705.19(I); and,

**WHEREAS**, a resolution declaring the necessity of levying a renewal tax, pursuant to R.C. § 5705.19(I), outside the ten-mill limitation must be approved and certified to the Delaware County Auditor (“Auditor”) in order to permit the Board to consider the levy of such a tax and must request that the Auditor certify to the Board the total current tax valuation of the Township, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills.

**RESOLUTION**

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**NOW THEREFORE, BE IT RESOLVED**, by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

- 1. The amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the Township.
- 2. It is necessary to levy a tax in excess of the ten-mill limitation.
- 3. Pursuant to R.C. § 5705.03(B)(1):
  - a. The purpose of the tax is as follows:

Providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire alarm communications, for the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including payment of the firefighter employers' contribution required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs;

- b. The type of levy is as follows:

\_\_\_\_\_ additional levy  
 \_\_\_X\_\_\_ renewal levy: n/a increase n/a decrease  
 \_\_\_\_\_ replacement levy: \_\_\_\_\_ increase \_\_\_\_\_ decrease

- c. The sections of the Revised Code authorizing submission of the question of the tax are R.C. §§ 5705.03, 5705.191, and 5705.25 and the following:

R.C. § 5705.19(I) \_\_\_\_\_;

- d. The term of the tax is as follows (in years or continuing):

5 years \_\_\_\_\_;

- e. The territory where the tax is to be levied is as follows:

\_\_\_X\_\_\_ Upon the entire territory of the Township  
 \_\_\_\_\_ If authorized by the Revised Code, the following described portion of the territory of the Township:  
 \_\_\_\_\_;

- f. The date of the election at which the question of the tax shall appear on the ballot is as follows;

November 2, 2021 \_\_\_\_\_;

- g. The territory where the ballot measure is to be submitted is as follows:

\_\_\_X\_\_\_ Upon the entire territory of the Township

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\_\_\_\_\_ If authorized by the Revised Code, the following described portion of the territory of the Township: \_\_\_\_\_;

h. The tax will be first levied and collected as follows:

The tax year in which the tax will first be levied is 2022;

The calendar year in which the tax will first be collected is 2023;

i. The Township has territory in Delaware County and each of the following listed counties:

None - Only Delaware County.

4. Pursuant to R.C. § 5705.03(B)(1), the Fiscal Officer is hereby directed to certify a copy of this resolution to the Auditor. The Board hereby requests that the Auditor certify to this Board the following:

a. The total current tax valuation of the Township;

b. The number of mills required to generate the following amount of revenue; or, \$ n/a

c. The dollar amount of revenue that would be generated by the levy of the following mills: 2.95 mill(s).

5. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

6. This Resolution shall be in full force and effect immediately upon adoption.

Bullard seconded the motion.

Voted on and signed this 24<sup>th</sup> day of May, 2021 in Berlin Township, Delaware County, Ohio.

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

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

State of Ohio :

Delaware County :

I, the undersigned Fiscal Officer of Berlin Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. 21-05-16 is taken and copied from the record of proceedings of the Board of Trustees of Berlin Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true and accurate copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

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**6:00 p.m.**

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Date: \_\_\_\_\_

\_\_\_\_\_  
Fiscal Officer  
Berlin Township  
Delaware County, Ohio

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

**Employee Handbook & Job Description-** O'Brien is waiting to hear back from Ballard.

**Trails and Recreation Committee-** Bullard is going to put a graph together stating what the trustee would like to see the committee address. Then, the committee can come back with recommendations to the trustees.

**Storage Building-** Bullard spoke with WDC, who helped with the fire house, and they are going to get back to him with some possible ideas.

**Zoning Hearing Policy-** Bullard spoke with Ballard, who stated that he has concerns with identifying the documents that are needed to create a policy. Ballard suggested having the zoning commission put procedures in place so that they can identify what needs to be done on their part. Ballard is preparing documentation to give to the zoning commission, that will help them with the process, which they then could choose to adopt.

**Street Trees Oldefield Estates-** Bullard spoke to Ballard who stated, if the road department takes down any of the trees, the cost will be assessed to the homeowners involved. If the trees are considered dead, the township will then cut them down at the townships expense.

**Disaster Plan-** Nothing new.

**BZA & BZC Alternate Appointments-**

**RESOLUTION 21-05-17 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- 6:53 P.M.**

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

**RESOLUTION 21-05-18 MOTION TO RETURN TO REGULAR SESSION- 7:34 P.M.**

Motion: O'Brien  
Second: Bullard  
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 21-05-19 MOTION TO APPOINT JESSICA KUENZLI TO THE BZA 2ND ALTERNATE POSITION, WITH A TERM EXPIRING 3-1-2022**

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

**RESOLUTION 21-05-20 MOTION TO REAPPOINT LARRY HARMON AS A BZA MEMBER, WITH A TERM EXPIRING 3-1-2026**

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

**Fiscal Officer Items-**

**Mowing Vacant Land-** Smith stated she had received a letter with a complaint about the high weeds in the vacant lot next to the daycare center on Rt 36/37. Bullard stated that the first step is to have the prosecutor write a letter to the owner of the lot. Bullard will talk to Ballard and bring the issue to the next trustee meeting for a possible resolution.

**Cemetery-** Nothing new.

**Fire Department-  
Requisitions-**

**RESOLUTION 21-05-21 MOTION TO APPROVE REQUISTION #2021-04 TO ORANGE TOWNSHIP, FOR THE ANNUAL SAFETY INSPECTION AND PREVENTATIVE MAINTENANCE ON ENGINES #391, #392 AND #393, IN THE AMOUNT OF \$10,200**

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

**RESOLUTION 21-05-22 MOTION TO APPROVE REQUISTION #2021-05 TO FIRE CATT, FOR THE TESTING AND INSPECTION OF THE GROUND LADDERS AND FIRE HOSE, IN THE AMOUNT OF \$5,918.40**

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

**RESOLUTION 21-05-23 MOTION TO APPROVE REQUISTION #2021-06 TO EMBROIDERY WAREHOUSE, TO REPLACE THE FIRE DEPARTMENT SHIRTS AND JACKETS, IN THE AMOUNT OF \$3,600**

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

**RESOLUTION 21-05-24 MOTION TO APPROVE REQUISTION #2021-07 TO PHOENIX SAFETY OUTFITTERS, TO REPLACE 3 FULL SETS OF TURNOUT GEAR, IN THE AMOUNT OF \$25,800**

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

**RESOLUTION 21-05-25 MOTION TO APPROVE REQUISTION #2021-08 TO SIGNATURE CARPET, FOR THE CLEANING OF THE FIRE TRUCK SEATS AND THE CARPET AND TILE IN THE FIRE HOUSE, IN THE AMOUNT OF \$2,040**

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

**RESOLUTION 21-05-26 MOTION TO APPROVE REQUISTION #2021-09 TO EMERGENCY REPORTING INC, FOR THE SOFTWARE SUBSCRIPTION AND MAINTENANCE OF THE FIRE DEPARTMENT RECORDS, IN THE AMOUNT OF \$3,960**

Motion: O'Brien  
Second: Bullard

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

**RESOLUTION 21-05-27 MOTION TO APPROVE REQUISITION #2021-10 TO VECTOR SOLUTIONS, FOR SCHEDULING AND PAYROLL SOFTWARE, IN THE AMOUNT OF \$4,320**

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

**Road Department-** Bullard stated that he has had a few people asking if they can use the road right-of-way and/or build a road connecting homes on Dale Ford Road and Berlin Station in the new Pines subdivision. O'Brien stated that it would have to the RPC before the trustees could make any decisions.

**Trustee Items-**

**Remove Mask Sign-** The trustees will be changing the sign to state that mask do not have to worn for those that are vaccinated. Smith asked if there is a date when trustee meetings will be held in person. Bullard stated that they have not received any guidance from the health department at this time, but plans to follow when guidance is released from them.

**Kevin Hennessey-** After a lengthy discussion, Hennessey explained the Springing TIF. It is a TIF you apply to parcels of property in one's jurisdiction in the anticipation of development that could occur, as opposed to a TIFs response to a developer coming to the township wanting to do something. It is preemptive in its nature, and puts the township first in the queue from a legal perspective of allocating funds for the process. From the advice Hennessey has received, if a TIF is placed on a property and the property is then annexed to the city, the TIF will remain which then puts the township into the position of negotiations. He offered, if the trustees had any individual questions that they could contact him.

**Zoning Department-** Nothing new.

**Public Comment-** There were no public comments.

**Future Meetings-**

**06/14/21 Trustee Meeting**  
**07/12/21 Trustee Meeting**  
**08/09/21 Trustee Meeting**

**Late Items-** Bullard suggested getting the carpets cleaned in the township hall since it is not being used at this time. O'Brien said he checked into getting them replaced last year and never received call backs so he will look into it again and report back at the next trustee meeting.

**Adjourn-**

**RESOLUTION 21-05-28 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman Bullard at 8:33 p.m.

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

ATTEST:

\_\_\_\_\_  
Ken O'Brien, Trustee

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

\_\_\_\_\_  
Tom D'Amico, Trustee