

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

HELD AT: This meeting was held at 3271 Cheshire Road, Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Chairman

PLEDGE OF ALLEGIANCE: Tim Foor led the Pledge of Allegiance

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

ATTENDANCE: Meghan Raehll, Tim Foor, John Zuspan, William Morris, Joe Pichert, Dyann McDowell, Angela Brown and Chris Paykoff

**Approval of Minutes-
RESOLUTION 21-07-01 APPROVE THE 06/14/21 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

RESOLUTION 21-07-02 APPROVE THE 6/29/21 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 –
Fire Chief Hiring-**

RESOLUTION 21-07-03 MOTION TO RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(1)(8) TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE AND TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUES, TRADE SECRETS, OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE-THREE TRUSTEES, FISCAL OFFICER ASSISTANT FISCAL OFFICER AND DYANN MCDOWELL TO ATTEND- 6:07 P.M.

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

RESOLUTION 21-07-04 MOTION TO RETURN TO REGULAR SESSION- 6:50 P.M.

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

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

Fire Levy Resolution- Smith received an email from Ballard stating that the board of elections had found an error in the resolution that was sent to them, so a new resolution needs to be made.

RESOLUTION 21-07-05 MOTION TO ADOPT THE UPDATED RESOLUTION OF LEVYING A RENEWAL TAX FOR THE PURPOSE OF FIRE PROTECTION PER AN EMAIL FROM CHRIS BALLARD DATED JUNE 28TH, 2021 BY UNANIMOUS CONSENT

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

**BOARD OF TRUSTEES
TRI TOWNSHIP JOINT FIRE DISTRICT
DELAWARE COUNTY, OHIO**

RESOLUTION NO. 21-07-05

**A RESOLUTION TO PROCEED WITH SUBMISSION OF
THE QUESTION OF LEVYING 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 July 12, 2021 with the following members present:

Ron Bullard
Tom D’Amico
Ken O’Brien

O’Brien Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the Board, approved the following resolution declaring the necessity to levy a tax in excess of the ten-mill limitation:

Resolution No: 21-05-16

Date Approved: May 24, 2021

; and,

WHEREAS, the Delaware County Auditor (“Auditor”) has certified the following information to the Board:

1. The total current tax valuation of the Township is as follows:

\$ _____

The number of mills required to generate a specified amount of revenue is:

• Specified amount of revenue: \$ n/a

• Required number of mills: n/a.

The dollar amount of revenue that would be generated by a specified number of mills is:

• Specified number of mills: 2.95

• Dollar amount of revenue generated: \$1,001,220.00

RESOLUTION

BERLIN TOWNSHIP TRUSTEES

6:00 p.m.

Trustee Meeting

July 12,

21

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 Board shall proceed with the submission of the question of the tax to the electors.

The rate of the tax levy, expressed in mills for each one dollar in tax valuation as estimated by the Auditor, is as follows:

2.95 mill(s);

b. This rate amounts to the following for each one hundred dollars of tax valuation:

\$.295.

c. If the levy is a renewal levy or a replacement levy, this rate:

X **is** the same rate as the existing tax levy.

 is not the same rate as the existing tax levy and is either:

 a reduction, the extent of the reduction being: mill(s)

 an increase, the extent of the increase being: mill(s)

Pursuant to R.C. § 5705.03(B)(1):

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;

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

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

X Upon the entire territory of the District

_____ If authorized by the Revised Code, the following described portion of the territory of the District:

_____;

f. The date of the election at which the question of the tax shall appear on the ballot is as follows (“Election”);

November 2, 2021 _____;

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

X Upon the entire territory of the District

_____ If authorized by the Revised Code, the following described portion of the territory of the District:

_____;

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 _____.

. The Fiscal Officer is hereby directed to **certify the levy to the Auditor AND the Board of Elections, Delaware County, Ohio (“BOE”)**. Certification shall include copies of **ALL** of the following documents:

- . **Resolution of Necessity** (Resolution No. 21-05-16 adopted on May 24, 2021; and,
- a. **Certification of the Auditor**; and,
- b. **Resolution to Proceed** (This Resolution).

Certification shall occur by **no later than 4:00 PM on August 4, 2021** (90 days prior to the Election)

The Fiscal Officer shall also notify the BOE to cause notice of the Election on the question of levying the tax to be given as required by law.

. The BOE is hereby directed to submit substantially the following question to the electors at the Election:

OFFICAL QUESTIONS AND ISSUES BALLOT GENERAL ELECTION NOVEMBER 2, 2021 PROPOSED TAX LEVY (RENEWAL)

BERLIN TOWNSHIP TRUSTEES

6:00 p.m.

Trustee Meeting

July 12,

21

BERLIN TOWNSHIP DELAWARE COUNTY, OHIO A majority affirmative vote is necessary for passage A majority affirmative vote is necessary for passage	
A renewal of an existing levy for the benefit of Berlin Township, Delaware County, Ohio 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, emergency medical service, administrative, or communications personnel to operate the same, including payment of any employer' contributions 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, at a rate not exceeding 2.95 mills for each one dollar of valuation, which amounts to \$0.295 for each one hundred dollars of valuation, for five (5) years commencing in 2022 , first due in calendar year 2023.	
	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

. 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.

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

Bullard seconded the motion.

Voted on and signed this July 12, 2021 in Berlin Township, Delaware County, Ohio.

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

Trustee

Trustee

Trustee

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

Fire Hydrant Installation Policy- Pichert asked that the discussion be moved to the first meeting in September.

Driveway Permit List- Bullard will have Irwin attend the August trustee meeting to discuss this topic.

Fairview Cemetery Updates, Fees & Rules-
RESOLUTION MOTION TO APPROVE THE BERLIN TOWNSHIP BOARD OF
21-07-06 TRUSTEES RULES AND REGULATIONS GOVERNING FAIRVIEW
CEMETERY, EFFECTIVE JULY 12, 2021

Motion: D'Amico

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

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

Foor stated that the ground penetrating radar will begin July 19, 2021.

Piatt Road Widening Acceptance Bid- This will be discussed at the continuance date of this trustee meeting, which will be July 16, 2021.

JEDD- This was discussed in executive session.

Hall Opening Date- Smith stated that she has been receiving calls on when the township hall will be open to rent. Bullard stated that he spoke with the health department and verified that they have lifted all restrictions other than recommending those that are unvaccinated should be wearing masks and to social distance three feet apart. The trustees agreed upon opening up the hall for rent.

RESOLUTION 21-07-07 MOTION TO REOPEN THE BERLIN TOWNSHIP HALL FOR RENTALS BEGINNING JULY 19, 2021 WITH PRIOR RULES STAYING IN PLACE

Motion: D'Amico
Second: Bullard
Vote: O'Brien yes, D'Amico yes and Bullard yes
Discussion: O'Brien asked if the cleaning lady will be available to clean the hall more regularly. Bullard said the health department is not requiring any extra cleaning to be done other than what is already expected.

Replace Carpets- Due to the cost of labor and supplies at this time, O'Brien does not recommend replacing the carpets now.

Storage Building- Bullard stated that he is working on getting an architect. In the meantime, he is looking into the cost of renting a storage bay for the equipment (mowers, trucks etc.).

Trails and Recreation Committee- Bullard asked that this be moved to the August 9, 2021 trustee meeting.

Tree Removal Quote- RESOLUTION 21-07-08 MOTION TO ACCEPT AND APPROVE QUOTE FROM TIMBERLAND TREE SERVICE TO TRIM BOTTOM OF TREES IN THE CEMETERIES FOR \$15,500

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

Zoning Hearing Policy- Bullard stated that he still needs to speak with Flaherty to come up with the townships own policy as to when and how the zoning applications are handled between the two entities, i.e., what does it mean to 'pass' the resolution.

BZC Alternate Position- RESOLUTION 21-07-09 MOTION TO MOVE ANGELA BROWN FROM AN ALTERNATE BZC MEMBER TO A BZC REGULAR MEMBER, WITH AN EXPIRATION DATE OF MARCH 1, 2023

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

RESOLUTION 21-07-10 MOTION TO APPOINT JENNY SLOAS AS ALTERNATE #1 BZC MEMBER, WITH AN EXPIRATION DATE OF MARCH 1, 2022

Motion: D'Amico
Second: O'Brien

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

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

RESOLUTION 21-07-11 MOTION TO APPOINT SHERRY GRAHAM AS ALTERNATE #2 BZC MEMBER, WITH AN EXPIRATION DATE OF MARCH 1, 2022

Motion: D’Amico

Second: Bullard

Discussion: O’Brien stated that he is not in favor of this at this time, he feels the board needs to have diversity of location within the township. Bullard asked if there were any other applications. Smith stated that she heard there were two people that wanted to apply but had not turned in an application. D’Amico stated that the reason he would like to move on this is because residents had reached out to others to get the positions filled and since it’s an alternate position it is renewable yearly.

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

Public Comment- John Zuspan and William Morris from the Oldefield HOA wanted to discuss and express concerns about the trees that were planted in the street right-of-way. Zuspan explained that the HOA is looking for help and/or a compromise to rectify the problem of the types of trees that were planted in the right-of-way. Zuspan had provided Bullard with documentation of the original approved street tree list from 1996 and the modified list from 2003, when the subdivision was started. Zuspan explained that they are three different types of trees that were planted, two of which were not on the approved list. After a lengthy conversation, Zuspan asked to have a specific tree looked at because of safety concerns, the possibility of utilizing the townships vendors for possible tree removal, and asked that Bullard come to an open HOA meeting and discuss the final decision of the board. Bullard agreed to do this and will check with the county engineer to have them look at trees and look into the possibility of accessing the townships tree vendor.

Meghan Raehll read the following:

Dear Trustees,

Thank you for your service to this township. As we move back to holding face-to-face trustee meetings once again, it remains important to consider the use of 21st-century communication tools for improved accessibility to township activities and to assure continued transparency.

As you all are well aware from sunshine laws, residents have the right to access township meeting information. These laws are the minimum baseline of what public offices must do in order to ensure accountability and transparency for as Thomas Jefferson said best, “light and liberty go together” (1 June 1795, Extract from Thomas Jefferson to Tench Cox).

Instead of approaching accessibility and information sharing from merely the perspective of what our township *must do*, I kindly ask for further consideration into what our township *could do*. In fact, many other townships have seamlessly integrated the use of common platforms in trustees’ meetings such as YouTube live recording without allowing for comments even prior to COVID. Such actions allow for information to be digested in a manner that is familiar to many and accessible to most. In particular, the use of such technologies may especially serve the newer, and often younger, families that are joining our township permitting them to stay up-to-date without creating an undue burden related to issues such as evening child care.

Given the successful examples from townships around us, and that we *could* remain in full compliance with the law while expanding access to timely information for residents, I think it is time our township pursues the use of similar technologies.

With that in view, I would request the swift expansion of access to information through establishing a new online viewing protocol for face-to-face meetings.

Practical steps for such implementation may include the following:

- Improve internet connectivity in the township hall
- Install two cameras and six microphones (wireless) for trustees and commentators
- Create a Berlin Township YouTube channel for live and stored recordings
- Run YouTube live recordings for both zoning and trustee meetings

In addition, the following components are integral pieces for upgrades that offer expanded accessibility:

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

- Create a new website that clearly stores, meetings, agendas, and recordings easily in one location (See examples: Genoa, Sunbury, Galena)
- Utilize Facebook as a medium more effectively through sharing meeting dates and activities taking place in the township.

As always, I would be more than happy to work with anyone on the use of the aforementioned technologies and/or help set up such features for our township at this time. Please let me know how I can support and thank you so much for your time and consideration.

Bullard stated that he would talk with the prosecutor about the above raised questions.

Angela Brown stated that she is receiving questions about what is happening on 3 B's and K road. O'Brien suggested speaking with ODOT (Steve Fellingner and Tom Slack) and ask for a records request. Bullard also suggested to put everything in writing.

Fiscal Officer Items-

June Bank Statement and Electronic Payments- The June bank statements and electronic payments balanced.

Addendum to HR Butler Contract-

RESOLUTION 21-07-12 MOTION TO ACCEPT AND APPROVE THE ADDENDUM TO THE HR BUTLER CONTRACT

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

Covid-19 Money & American Rescue Plan- Smith stated that the American Rescue Plan is including Ohio townships and there may be money available to us. The funds must be obligated by December 31, 2024 and spent by December 31, 2026. Smith suggested that a possible use could be to have broadband infrastructure installed. Bullard suggested to authorize a trustee to fill out the application and any other items that may need to be done.

RESOLUTION 21-07-13 MOTION TO AUTHORIZE TRUSTEE O'BRIEN TO SUBMIT AND EXECUTE THE AMERICAN RESCUE PLAN APPLICATION BY SEPTEMBER 4, 2021

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

Cemetery-

Cemetery Grant- Smith stated that she received paperwork stating that the cemetery grant could be applied for. There were questions that she did not know the answers to, For stated that he would get the information needed.

RESOLUTION 21-07-14 MOTION TO AUTHORIZE CLAUDIA SMITH TO EXECUTE ANY PAPERWORK NEEDED TO APPLY FOR THE CEMETERY GRANT

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

Fire Department-

Fire Fighter Step Increase-

RESOLUTION 21-07-15 MOTION TO APPROVE TO MOVE BRANDON CONLEY FROM STEP 2 TO STEP 3 AT THE RATE OF \$17.92/HOUR, EFFECTIVE JUNE 27, 2021 PER COLLECTIVE BARGAINING

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

Requisitions-

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

RESOLUTION 21-07-16 MOTION TO APPROVE REQUISITION #2021-09 TO HERITAGE FIRE FOR THE AMOUNT OF \$1,250.98, FOR THE REPLACEMENT OF 2 GROUND LADDERS

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

Pichert confirmed that the Touch-a-Truck event is going to be held at the fire station on August 7, 2021 from 9:00-12:00 p.m. The Open House date is being moved to October 24, 2021 due to the availability of other county agencies.

Recess at 8:34 p.m. Returned at 8:38 p.m.

Road Department-

Cemetery Work Added to Road Workers Job Descriptions- Smith stated that Irwin said there was nothing in the road department's job description about doing cemetery work. D'Amico asked if there was a catch all phrase stating 'all duties that are assigned'. O'Brien will look into it for the special meeting on July 16, 2021.

Suburban Natural Gas Estimate for Piatt Road Widening- Bullard stated that per the prosecutor, the township is not responsible to pay the Suburban Natural Gas estimate.

Bullard stated that the dealership that the township uses and allows us to sell and then purchase a new tractor each year will be going out of business, so the township will not be able to get that deal anymore.

Trustee Items-

Rumpke Trash Contract- Bullard stated that Ballard had gone over the Rumpke contract and said that it looked good and could be approved.

Juneteenth Holiday- The trustees discussed whether June 19th had to be celebrated on the specific date or if it could be substituted to add to another holiday. O'Brien was not sure if June 19th would pertain to those that are under collective bargaining. O'Brien suggested to Smith to send a list of the holidays to the prosecutor to look over before the Organizational Meeting in January. O'Brien is going to discuss it with Ballard to make sure the township stays in compliance. Pichert said he could contact the townships attorney, Dave Riepenhoff, since it would be considered a collective bargaining question for the fire department. O'Brien stated that he does not have authority to contact him but does have authority to contact the prosecutor, Chris Ballard. Pichert was under the assumption that Riepenhoff is who he would ask questions to. O'Brien stated that Pichert needed to check the resolution.

Zoning Department-

June Zoning Report- There were 12 building permits issued in June. The YTD is 127. O'Brien asked how condos will be reported. D'Amico is going to look into it.

RESOLUTION 21-07-17 MOTION TO APPROVE THE TEMPORARY PART-TIME HIRING OF THERESA TAYLOR AND THERESA CANNON TO ASSIST IN THE ZONING OFFICE WITH THE RESPONSIBILITIES OF CATHY RIPPEL'S JOB, NO MORE THAN 30 HOURS PER WEEK, AT THE PAY RATE OF \$19.13/HOUR

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

D'Amico expressed an idea, to consider having two part-time zoning inspectors, since the township is increasing at such a rapid pace. There are a few questions that would need to be addressed but Bullard and O'Brien thought that it could be something to consider.

RESOLUTION 21-07-18 MOTION TO AUTHORIZE TRUSTEE O'BRIEN TO SPEND UP TO \$1,000 FOR LEGAL SUPPORT ON THE ROAD DEPARTMENTS JOB DESCRIPTIONS

Motion: Bullard
Second: D'Amico

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting July 12, 21

Vote: Bullard yes, O'Brien yes and D'Amico yes
Discussion: O'Brien will also talk to Riepenhoff about how Juneteenth will work for the collective bargaining employees.

Future Meetings-
07/16/21 Special Meeting
08/09/21 Trustee Meeting
09/13/21 Trustee Meeting
09/27/21 Trustee Meeting

Late Items- D'Amico asked about adding Foors name to the list of employees that are able to purchase from Menards and TSC, under the townships tax id #. Smith will add him to the list. D'Amico asked about a putting storage shed at Fairview Cemetery for equipment/supplies. Bullard was concerned about the security issue. Smith asked if Foors would be able to use the new truck to haul things to Fairview.

RESOLUTION 21-07-19 MOTION TO AUTHORIZE TIM FOOR TO BE ABLE TO UTILIZE THE NON-CDL VEHICLES IN THE ROAD DEPARTMENT

Motion: Bullard
Second: O'Brien
Vote: O'Brien yes, D'Amico yes and Bullard yes
Discussion: O'Brien asked Smith if we had a copy of everyone's insurance card that drives the township's vehicles. Smith said yes.

RESOLUTION 21-07-20 MOTION TO SUSPEND AND CONTINUE THE MEETING TO JULY 16, 2021

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

Meeting suspended by Chairman Bullard at 9:27 p.m.

Ron Bullard, Trustee

ATTEST:

Ken O'Brien, Trustee

Theresa Taylor, Assistant Fiscal Officer

Tom D'Amico, Trustee