

**BERLIN TOWNSHIP TRUSTEES**

**8:00 p.m.**

**Special Meeting**

**November 18,**

**21**

**HELD AT:** Berlin Township Hall, 3271 Cheshire Road, Delaware, OH

**CALL TO ORDER:** Ron Bullard, Trustee Chairman

**PLEDGE OF ALLEGIANCE:** Ron Bullard led the Pledge of Allegiance

**ROLL CALL:** Tom D’Amico, Ron Bullard, Ken O’Brien (arrived late) and Claudia Smith, Fiscal Officer

**ATTENDANCE:** Meghan Raehll

Bullard stated the special meeting was called to discuss the Opioid settlement and mowing contract for 2022.

**Mowing Contract –**

D’Amico said he asked Mark Fowler some questions regarding the mowing contract and they should have received his response. Bullard said once we start the bidding process the old contract is gone. D’Amico said we need to decide whether to extend the current contract or put it out for bid. Bullard said he was hesitant to put it out for bid because of the difficulty people are having with hiring employees. Pony is subcontracting it because they don’t have enough employees to do it. He feels more comfortable extending the current contract. Bullard asked Raehll who said she thinks they should put it out for bid and see if we get a cheaper contract since the current mowers have shown an interest in bidding it and they have been doing a good job. She thinks competition is healthy. O’Brien arrived and said we have had good mowing with Pony and tends to stay with who we know but cheaper is better. Smith suggested that they renew the contract with Pony for 2022, since it is so late in the season and if we bid it out it wouldn’t be done until January. They should then start in August or September to put it out for bid for 2023. O’Brien said he liked that idea but that we should start in May or June. Bullard said that D’Amico should check with Pony what the rates will be for next year and bring it to the meeting on Monday.

**Opioid Settlement -**

Bullard said the prosecutor recommended that we join the settlement. All we will get it is \$5.00 but if we don’t join it we may be cutting ourselves out of something later.

**RESOLUTION MOTION TO APPROVE THE OPIOID SETTLEMENT  
21-11-13**

**BERLIN TOWNSHIP OF DELAWARE, OHIO  
Resolution No. 21-11-13**

**AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT**

AN EMERGENCY RESOLUTION AUTHORIZING the Prosecuting Attorney to execute the Participation Agreement for the OneOhio Subdivision Settlement with Janssen/Johnson&Johnson pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the Berlin Township, Ohio (herein “Municipality”) is a Delaware County Township formed and organized pursuant to the Constitution and laws of the State of Ohio; and

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WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and Berlin Township has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Berlin Township Board understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by Janssen/Johnson&Johnson to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed Settlement Agreement; and

WHEREAS, Berlin Township Trustees Council wishes to agree to the material terms of the proposed National Settlement Agreement with the Proposed Settlement:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF BERLIN, OHIO.

Section 1. That Berlin Township hereby accepts, or is authorized to accept the Proposed Settlement on behalf of Berlin Township, pursuant to the terms of the OneOhio MOU.

Section 2. That it is found and determined that all formal actions of the Council relating to the adoption of this resolution were adopted in an open meeting of this Council, and

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that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of Berlin Township Residents. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

|             | Yea          | Nay           |
|-------------|--------------|---------------|
| Ron Bullard | <u>  X  </u> | <u>      </u> |
| Tom D’Amico | <u>  X  </u> | <u>      </u> |
| Ken O’Brien | <u>  X  </u> | <u>      </u> |

Passed November 18, 2021

Attest:

\_\_\_\_\_  
Trustee Chairman

\_\_\_\_\_  
Fiscal Officer

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

**Adjourn-**

**RESOLUTION            MOTION TO ADJOURN**  
**21-11-14**

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

Meeting adjourned by Chairman Bullard at 8:32 p.m.

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

ATTEST:

\_\_\_\_\_  
Ken O’Brien, Trustee

\_\_\_\_\_  
Claudia Smith, Fiscal Officer

\_\_\_\_\_  
Tom D’Amico, Trustee