

BERLIN TOWNSHIP TRUSTEES

5:30 p.m. Trustee Meeting May 8, 2023

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

CALL TO ORDER: Meghan Raehll, Trustee Chairman

PLEDGE OF ALLEGIANCE: Meghan Raehll led the Pledge of Allegiance

ROLL CALL: Meghan Raehll, Ken O'Brien, Ron Bullard, Claudia Smith, Fiscal Officer and Theresa Taylor, Fiscal Officer Assistant

ATTENDANCE: Ron Sabatino, Captain Carr, Scott Belcastro, Andy Mitey, Doug Riedel and Chris Paykoff

PUBLIC COMMENT: Raehll said the following "Now is the time for public comment and this period for public comment is unrelated to any hearing, which there is none scheduled for tonight.

Those who wish to provide a comment may come to the lectern, and provide your first name, last name, and address. Commentators will have 4 minutes each. Please note the board does not directly respond to comments or inquiries but topics may come up in the public meeting context and questions from residents can always be directed to the appropriate person or liaison outside of the public meetings".

Ron Sabatino, 3895 Stoneridge Lane, of T & R Properties stated that they have found with all of their experiences that Berlin Township is in the bottom 5% when it comes to the ease of working with entities. They find regulatory and administrative challenges with the township and find that part of the issue is there is no one to talk with to give them feedback.

He said specifically regarding BBP 23-001, they found out today that Delaware County is insistent upon open ditch for public roads although previously they have granted curb and gutter, so they have requested a meeting with them. He understands that there are a number of open issues with BBP 23-001, which he says can all be accommodated except for one, the density. He said that it is necessary to have the revenue to support the amenities that are part of the plan, which requires a higher density than R4.

Hearing no more public comments, Raehll concluded the public comment section.

RESOLUTION 23-05-01 APPROVE THE 04/18/23 SPECIAL MEETING MINUTES, THE 04/20/23 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING

Motion: Bullard
Second: O'Brien
Vote: O'Brien yes, Raehll yes and Bullard yes

*******5:45 P.M. Time Certain*****Trebel Discussion*******

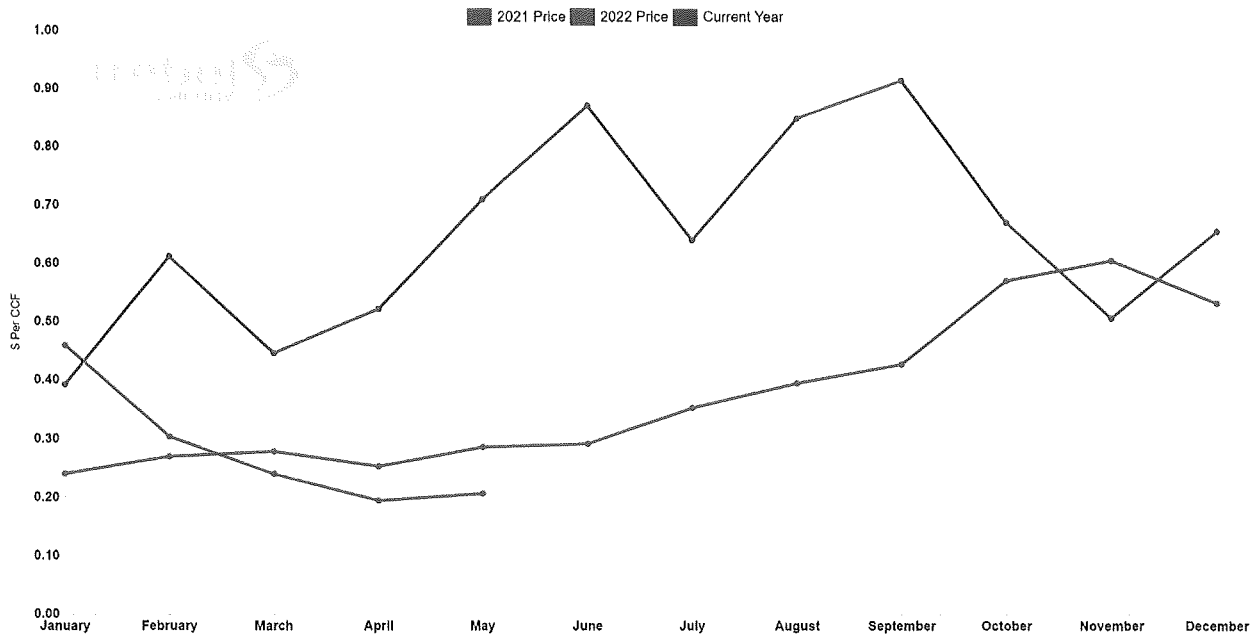
Scott Belcastro from Trebel LLC, said that if any resident needed to contact them with any questions about their bill their phone number is; 877-861-2772 and Archer Energy who will be the supplier of the program, their phone number is; 844-795-7491.

He explained that the purpose of the aggregation is to bring together the bodied power of the group and hopefully to get a rate that is available to all of the public. He said that 50-55% of all households within the community will join the program. They sent out 2,500 mailers to residents and of those 111 opted out of the program.

The last contract that Berlin Township had with Energy Harbor, resulted in \$760,480 being put back into the community. With the current contract, Belcastro guesses it will be 3 to 4 times that amount due to the extreme increase in rates throughout the state.

The following are the figures that were discussed regarding what the PUCO sent out:

Trebel NYMEX Natural Gas Monthly Settlement Pricing

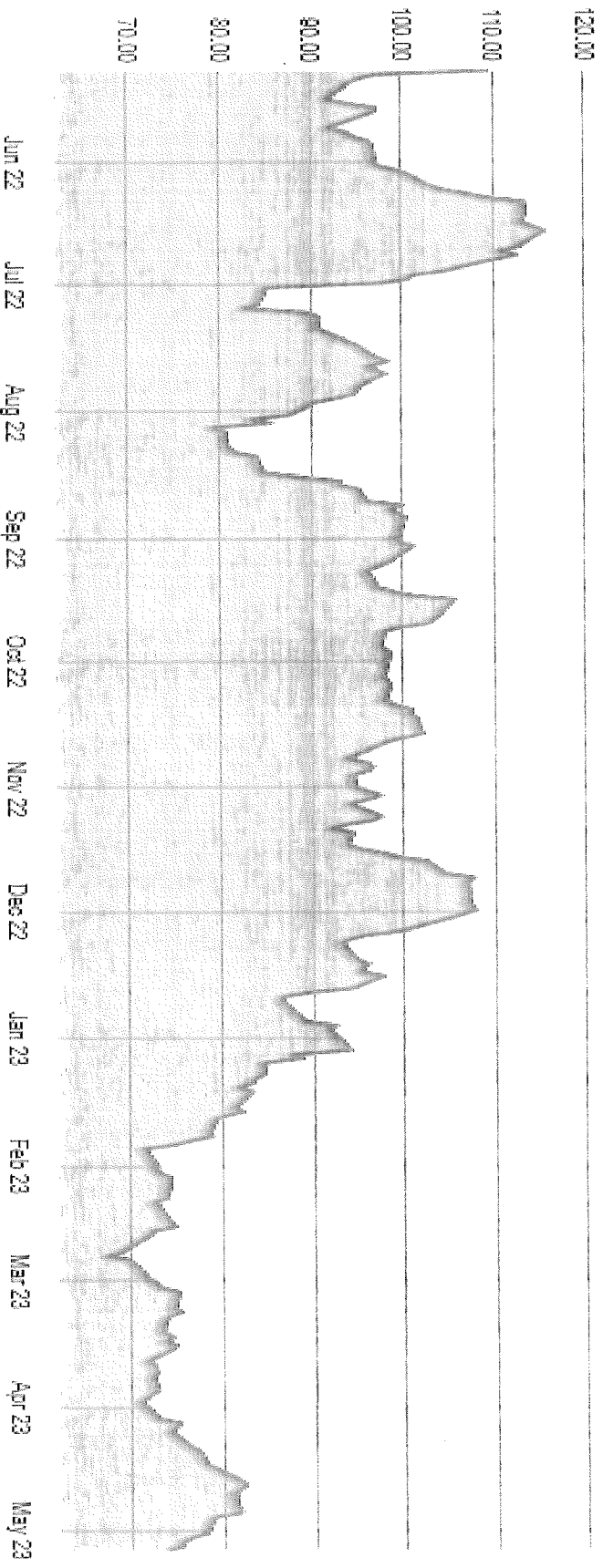


Month	2017	2018	2019	2020	2021	2022	2023
January	0.38341	0.26712	0.35531	0.21053	0.24068	0.39258	0.45941
February	0.33083	0.35424	0.28780	0.18312	0.26927	0.61121	0.30331
March	0.25629	0.25746	0.27853	0.17766	0.27844	0.44565	0.23912
April	0.30975	0.26253	0.26468	0.15941	0.25229	0.52058	0.19424
May	0.30653	0.27522	0.25034	0.17502	0.28536	0.70897	0.20653
June	0.31570	0.28048	0.25688	0.16800	0.29112	0.86906	
July	0.29922	0.29229	0.22351	0.14585	0.35287	0.63911	
August	0.28966	0.27531	0.20888	0.18088	0.39453	0.84750	
September	0.28888	0.28244	0.21961	0.25161	0.42634	0.91247	
October	0.29014	0.29473	0.23688	0.20497	0.56985	0.67004	
November	0.26849	0.31073	0.25336	0.29229	0.60507	0.50594	
December	0.29990	0.46000	0.24097	0.28253	0.53141	0.65482	
Average	0.3032	0.301	0.2564	0.2027	0.3748	0.6482	0.2805

Resident's Pay = NYMEX (Monthly Variable) + Fixed adder (supplier's adder)



AD Hub Pricing



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For clarification, Raehll said that our current AEP Ohio rate is a .749 which expires May 31st, 2023. Beginning June 1st, 2023 that rate will go to .1184 and the township rate will be .849. Bullard said that when the township entered into the aggregation business, the purpose was to come up with a stable supplier and savings to the residents which he thinks is what we have done as a township. Raehll asked about the time frame for locking down a rate. Belcastro said the sooner the better because of the weather volatility and that residents will have the option of entering and exiting the program at no cost.

Raehll asked if he had any suggestions in trying to alleviate some of the confusion/questions that residents have with all of the mailers that they receive. He said that he has spoken to the PUCO about making the information that they send out easy to decipher but if the trustees could put something together with their concerns, he can take it directly to them, so they are aware that it is coming directly from the board of trustees.

Without objections, Raehll moved down the agenda to the fire department.

Fire Department-

McKirgan & Enoch Probation Ends-

RESOLUTION 23-05-02 MOTION TO REMOVE FF CONNOR MCKIRGAN FROM HIS PROBATIONARY PERIOD AND MOVE HIM TO STEP 2 WITH A PAY RATE OF \$17.59/HOUR, EFFECTIVE MAY 1ST, 2023, UPON THE RECOMMENDATION OF THE FIRE CHIEF

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, Raehll yes and Bullard yes

RESOLUTION 23-05-03 MOTION TO REMOVE FF JEFF ENOCH FROM HIS PROBATIONARY PERIOD AND MOVE HIM TO STEP 2 WITH A PAY RATE OF \$17.59/HOUR, EFFECTIVE MAY 1ST, 2023, UPON THE RECOMMENDATION OF THE FIRE CHIEF

Motion: O'Brien
Second: Raehll
Vote: Raehll yes, Bullard yes and O'Brien yes

RESOLUTION 23-05-04 MOTION TO MOVE FF MICAH SWANSON TO STEP 5 WITH A PAY RATE OF \$19.78/HOUR, EFFECTIVE MAY 1ST, 2023, UPON THE RECOMMENDATION OF THE FIRE CHIEF

Motion: O'Brien
Second: Raehll
Vote: Raehll yes, Bullard yes and O'Brien yes

New Hire Process- Captain Carr stated that they are going to implement the same hiring process as they did previously. Raehll added that if there were any questions/concerns with an applicant that they bring them forth for the board to discuss.

Advertising- Carr stated that they are going to implement the same advertising methods as they did previously which include social media and the township website.

Old Business-

Street Signs-

RESOLUTION 23-05-05 MOTION TO APPROVE \$9,393.79 TO KLEEM INC, FOR THE REPLACEMENT OF ALL REQUIRED ROAD AND STREET SIGNS PER THE FEDERAL HIGHWAY REFLECTIVITY REQUIREMENTS

Motion: Bullard
Second: O'Brien
Vote: Bullard yes, O'Brien yes and Raehll yes

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Bullard asked Kleem how much it would cost for a 'Welcome to Berlin Township' sign. They said the cost would be approximately \$100 each. Bullard suggested that the board decide on the size of the sign they would want before they choose what artwork would go on the sign. All of the trustees would like the biggest sign available that can be held by one post. There was a discussion as to where to put the signs. Bullard will ask Peden to come up with a map that will show where he recommends the signs to be placed and Raehll will do a mockup of a possible design for the sign and bring it before the board for discussion at the next meeting.

JEDD- Raehll was of the understanding that Shawn McCarter had contacted all of the entities that are involved but it seems that he has not spoke with Concord Township. She will follow up with McCarter and see where he is in the process.

Call In Pay- Lacking further guidance from the prosecutor's office, Bullard proposed the following resolution until further notice. Bullard will send the resolution to Stucco and inform him of the action taken and if he indicates that there is an issue, he will inform the trustees of it.

RESOLUTION 23-05-06 MOTION TO APPROVE THE ROAD DEPARTMENT CALL IN PAY EXHIBIT PROVIDED BY AND UPON THE RECOMMENDATION OF TRUSTEE BULLARD

Road Department Call in Pay

The following is proposed as pay for non-normal working hour "call-in work."

1. All Road Department Employees are eligible for "call in Pay".
2. A minimum of 2.67 hours of overtime pay will be paid for non-normal working hour call-in work.
3. This pay is available regardless of the number of hours worked. The "Call in Pay" sets a minimum pay time and is not in addition to any normal pay for time worked. Normal pay rates apply after the 2.67 hours have been worked.
4. This pay is initiated by the employee receiving and accepting being called to report for work during non-normal working hours.
5. If the employee is not available to report for work, then no call-in pay is authorized.

Motion: Bullard

Second: O'Brien

Vote: Bullard yes, O'Brien yes and Raehll yes

Discussion: For clarification, this resolution will repeal and replace any former resolution that was established for call in pay.

*******7:00 P.M. TIME CERTAIN*****TIFF & TowerCo Litigation *******

RESOLUTION 23-05-07 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(3) TO CONFERENCE WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING DISPUTES INVOLVING THE PUBLIC BODY THAT ARE THE SUBJECT OF PENDING OR IMMINENT COURT ACTION, WITH RESPECT TO TOWERCO LITIGATION - THREE TRUSTEES, THE FISCAL OFFICER, THE FISCAL OFFICER ASSISTANT, CHRIS RINEHART AND DAWN FRICK (BY PHONE) TO ATTEND- 6:56 P.M.

Motion: Raehll

Second: O'Brien

Vote: O'Brien yes, Raehll yes and Bullard yes

RESOLUTION 23-05-08 MOTION TO RETURN TO REGULAR SESSION- 8:20 P.M.

Motion: Raehll

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Second: O'Brien
Vote: O'Brien yes, Raehll yes and Bullard yes

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

RESOLUTION 23-05-09 MOTION TO AUTHORIZE CLAUDIA SMITH TO REQUEST BERLIN TOWNSHIP'S CLIENT FILE FROM REMINGER COMPANY LPA

Motion: O'Brien
Second: Raehll
Vote: Raehll yes, Bullard yes and O'Brien yes

RESOLUTION 23-05-10 MOTION TO AUTHORIZE TRUSTEE RAEHLL TO EXECUTE TIFF NOTICES FOR PROPERTIES RELATED TO THE GENERAL BERLIN BUSINESS PARK QUADRANTS

Motion: Raehll
Second: O'Brien
Vote: Raehll yes, Bullard yes and O'Brien yes

Without objections, Raehll moved down the agenda to the road department.

Road Department-

2023 Road Improvement Program- Riedel explained that the paving program contract bids were open and the contract for the work within Berlin Township is with Shelley Company in the amount of 16 \$263,176.80.

RESOLUTION 23-05-11 MOTION TO APPROVE \$263,176.80 TO SHELLEY COMPANY FOR THE 2023 ROAD IMPROVEMENT PROGRAM

Motion: Bullard
Second: O'Brien
Vote: Bullard yes, O'Brien yes and Raehll yes
Discussion: O'Brien asked for next year that chip and seal for the roads in Cheshire Cemetery be added to the road improvement program.

Riedel updated the board about the structure on Sherman Road at the bottom of the hill. He confirmed that it is indeed a county structure so they are moving forward with proposed modifications to make sure that the embankment along the side does not ruin anything further. Mr. Newkirk asked that he be shown the proposed planning and in exchange he would grant them access through his property to do the work. Riedel hopes to start the project in July.

Requisition-

RESOLUTION 23-05-12 MOTION TO APPROVE QUOTE DATED MAY 2, 2023, TO MILEY EXCAVATING, NOT TO EXCEED \$2,500 FOR THE REPLACEMENT OF RIP RAP, TO CLEAN OUT DITCH ON HEVERLO AND TO FIX PIPE ON ROWLAND DRIVE

Motion: Bullard
Second: Raehll
Vote: Bullard yes, O'Brien abstain and Raehll yes

Old Business Cont'd-

Fairview Sign & Name Change- Bullard is awaiting quotes for a black granite stone for the new Fairview Cemetery sign. Raehll would like to change the name of the cemetery before a new sign is purchased. O'Brien will work on coming up with possible names for the current Fairview Cemetery and bring it back to the board for consideration.

Fairview Lot Sales- Nothing new.

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Bullard said that Pony Landscaping hit a stone when they mowed and are going to pay to have the stone fixed. O'Brien asked about re-bidding the mowing contract and Bullard said that he is inclined, if possible, to have the road department do the mowing because it would allow for another full-time snowplow driver to be hired. O'Brien asked if they would need to be licensed to apply weed killer and Bullard said that Peden already has that license. O'Brien wants to be sure that the hogweed and poison hemlock are getting sprayed. Bullard will work with Peden to ensure that they are being sprayed. Raehll is not inclined to have mowing done in house because the bandwidth of what the road department has to do in the summer is so great that she does not want the mowing to become neglected. The final decision will be made at a later date.

Raehll asked that Bullard speak with Foor regarding his timeliness of responding to resident's questions.

Bullard proposed to raise the open/close rate for Fairview Cemetery only, to help with the rising cost of cement and gravel for the placement of headstones.

RESOLUTION 23-05-13 MOTION TO SET FEES FOR FAIRVIEW CEMETERY ONLY, FOR \$200 FOR THE INSTALLATION OF ONE HEADSTONE ON EXISTING GRAVES AND PUTTING THE MARKER INTO PLACE, AND ADDING \$200 TO THE OPEN/CLOSE OF THE GRAVE PRICE WHICH WOULD THEN INCLUDE THE INSTALLATION OF ONE GRAVESTONE AND AN 18-INCH GRAVEL FOUNDATION. THE INSTALLATION PROCESS WILL BE HELD TWICE A YEAR, ONCE IN THE SPRING AND ONCE IN THE FALL, IF DOING ANY OTHER TIME OF THE YEAR THERE WILL BE AN ADDITIONAL \$600 FEE

Motion: Bullard
Second: O'Brien
Vote: O'Brien yes, Raehll yes and Bullard yes

Assistant Cemetery Sexton- Nothing new.

File Cabinets for Cemetery- Nothing new.

Old Business Cont'd-

Apparel Policy- Bullard brought forth a potential apparel policy for the road department. Raehll stated that she had previously created an apparel policy and will combine both documents together and bring it back to the board for final consideration.

Grant Writer- Nothing new.

Inventory Amounts-

RESOLUTION 23-05-14 MOTION TO SET INVENTORY AMOUNT AT \$100 AND INVENTORY ITEMS THAT HAVE AN AGGREGATE COST OF MORE THAN \$100 FOR THAT ITEM

Motion: Bullard
Second: Raehll
Vote: O'Brien yes, Raehll yes and Bullard yes
Discussion: For example, one wrench would not be counted in the inventory, but a set of wrenches would be counted in inventory.

Record Retention for Meeting Video Recordings-

RESOLUTION 23-05-15 MOTION AND CLARIFICATION FOR RECORDS RETENTION, THAT MEETING VIDEO RECORDINGS WILL BE HELD FOR ONE YEAR, WHICH IS IN KEEPING WITH THE LENGTH OF TIME THAT THE AUDIO FILES ARE RETAINED

Motion: O'Brien
Second: Raehll

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Vote: Raehll yes, Bullard yes and O'Brien yes

Fiscal Officer Items-

April Bank Statement and Electronic Payments- The April bank statement and electronic payments balanced and were signed by the trustees.

Cemetery- Cemetery items were discussed earlier in the meeting.

Trustee Items-

RESOLUTION 23-05-16 MOTION TO ACCEPT TRUSTEE BULLARD'S RESIGNATION FROM THE ARCHITECTURAL REVIEW BOARD, EFFECTIVE MAY 8, 2023 AND DECLARE THE POSITION VACANT

Motion: Raehll
Second: O'Brien
Vote: Raehll yes, Bullard abstain and O'Brien yes
Discussion: Raehll stated that she received a resume from a resident that is interested in a position with the ARB. She requested that they fill out our standard employment application and will bring it forward at the next trustee meeting for the board's consideration.

Zoning Department-

April Zoning Report- There are 6 new home builds for the month of May and the YTD is 38.

Future Meetings-

- 05/11/23 MORPC Meeting**
- 05/17/23 Parks & Trails Meeting**
- 05/22/23 Trustee Meeting**
- 06/08/23 DCTA Meeting**
- 06/12/23 Trustee Meeting**
- 07/10/23 Trustee Meeting**
- 07/19/23 Parks & Trails Meeting**

Late Items-

Smith stated that there was no cleaning done by Stratus Cleaning at the township hall last week and questioned how she should proceed with paying their bill. Raehll will follow up with them.

Bullard said that the trustees need to consider purchasing another snowplow. O'Brien is inclined to purchase another one with the increase of roads that will be coming to the township. With that purchase, Bullard said there needs to be somewhere to put it. He has made no progress with the storage building due to the legal issues of moving the contract forward. He asked for the ability to put forth a request for proposal on the website and to be able to put it in the newspaper using an open bid process. He will confirm with Stucco that an RFP using an open bid process is legal. By using the open bid process, it will cut the cost by \$50,000.

RESOLUTION 23-05-17 MOTION TO APPOINT TRUSTEE BULLARD TO GET A REQUEST FOR PROPOSAL ON THE WEBSITE AND NECESSARY NEWSPAPER PUBLICATIONS FOR A STORAGE BUILDING FOR THE ROAD DEPARTMENT AND ALLOW HIM TO RECEIVE BIDS TILL THE END OF JUNE

Motion: Bullard
Second: O'Brien
Vote: Bullard yes, O'Brien yes and Raehll yes

In regard to the replacement of the fence at Fairview Cemetery, Paykoff does not think the split-rail fence should be replaced. He thinks a black chain link fence would be easier to

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maintain. Raehll asked him to send the trustees a picture of what he is talking about, so they know what they are considering.

Adjourn-

**RESOLUTION MOTION TO ADJOURN
23-05-18**

Motion: Bullard
Second: O'Brien
Vote: Bullard yes, O'Brien yes and Raehll yes

Meeting was adjourned by Chairman Raehll at 10:30 P.M.

Meghan Raehll, Chair

ATTEST:

Ron Bullard, Vice-Chair

Theresa Taylor, Fiscal Officer Assistant

Ken O'Brien, Trustee

*****Notice: A video recording of this meeting can be found on YouTube or Berlin Townships Facebook page.***