

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting October 10, 22

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

CALL TO ORDER: Ken O'Brien, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ken O'Brien led the Pledge of Allegiance

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

ATTENDANCE: Alysha Danko, Braeden Danko, and Chris Paykoff

Public Comment- Alysha and Braeden Danko thanked the trustees for having them in attendance at this meeting.

**Approval of Minutes-
RESOLUTION 22-10-01 APPROVE THE 09/12/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

Old Business-

Storage Building Proposal- Bullard spoke with Melanie Lenaghan who worked with Bluestreak Project Management Company to produce an opinion on probable cost for the cold storage unit that the trustees are looking to build for the extra equipment that the road department has/is acquiring. The proposal at hand is for discussion only. Bluestreak is proposing to put in a concrete slab this year and then put the building in next year. The cost for the concrete slab is approximately \$115,000 which includes tying in a drainpipe and basin into the existing pipe. The 70x100 wood frame or pre-engineered garage would cost approximately \$370,000 or the other option is a pre-framed garage with an approximate cost of \$240,000. There is also the choice of spending \$50,000 to put the project out for bid for an architect.

O'Brien said that the price is much more than he anticipated and asked if there would be any amenities within the building and Bullard said that there would not be any. Raehll said that the price seemed extremely high for what looks to be essentially a pole barn. She said that her understanding of what they were trying to accomplish was that the building would be a temporary fix for eight to ten years, then a new permanent building would be built. Bullard said that the conversation did start that way, but his thought was that a new township hall would need to be built in the future and the current proposed new building could be permanent with the existing town hall used for office space. Raehll said that maybe they should discuss a more comprehensive solution instead of putting a patch on the situation at hand. O'Brien agrees but does not want to use an architect. O'Brien asked if Bluestreak could produce a building that has more to it for the price that they are quoting. Bullard will ask for more designs and bring them back to the board for discussion.

Fairview Cemetery Issues- O'Brien said that a resident contacted him about purchasing a plot at Fairview. They said that all their family is buried there, and they are the last of their family and he is in poor health. O'Brien explained the reasoning to them as to why there has been a halt of selling any plots at this time at Fairview Cemetery. Raehll empathizes with the situation but fairness and consistency has to be there, if we open it up to one resident then we have to be ready to open it up across the board to all residents and she does not think an exception can be made. Bullard agrees with Raehll. Bullard asked if there is another plot in the family that could be transferred to them. O'Brien will contact the resident and ask them if there is another plot available within the family and if not will tell them that at this time plots are not being sold in Fairview Cemetery.

Bullard received a call from a resident that has family buried at Fairview and offered his time to paint the Fairview Cemetery sign. O'Brien said that he also has had residents offer to paint and/or redesign the sign. He asked if the name of the cemetery should remain the same or due to its recent history, be changed to another name. Raehll likes the idea of a new name, new design, and a new brand and thinks we should pursue it as the sign is not reflective of Berlin Township. She would like to honor the name of Fairview and potentially

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conjoin it with another name. Bullard suggested making it a more permanent sign and something that would not require maintenance in the future. Raehll would be in favor of that and in the meantime have the resident drop off a sketch with colors for the board to approve. Bullard will contact the resident.

Assistant Cemetery Sexton- Nothing new.

Employee Handbook- Raehll wanted to confirm that all the forms have been received from all employees. She forgot the third form but gave it to Graham and Borso and they will get it turned in to her. The fire department has everything turned in and Bullard will check to see if the roads department has signed everything, to include the job descriptions page.

Bullard spoke with Riepenhoff about the issue of townships being required to transfer vacation time and sick leave if an employee has worked in other departments of the state. He said that although townships are creatures of state law, townships are not part of the state government but local government, therefore townships do not accept vacation time and/or sick leave from other departments of the state. O'Brien stated that with that information, our handbook is correct on this issue.

Branding- Raehll will bring forward three quotes for the polos with the township logo on them at the next trustee meeting.

Pontem Migration- Raehll said that the server is up and running and that the IT company said that we will need a computer that will remain at the township hall for those that have accounts to be able to remotely access the program. This will allow the connection to be faster than if the connection was just over the internet because Pontem was not built to be run through the internet due to the bandwidth. O'Brien asked if something would happen would all the information still be stored in the Cloud and Raehll said yes. Bullard asked if everything that has been entered into Pontem was transferred and it was. Raehll will confirm with the IT company that everything was indeed transferred.

Fiscal Officer Items- There were no fiscal officer items for the agenda.

Cemetery- Bullard received a call that the lot line at Cheshire Cemetery is not where we think it is and that Berlin Manor owns part of it on the east side. He contacted Riedel and asked if they could do a survey of the outside boundaries. He needs to get an REA to determine where the cemetery line is. O'Brien said that if it is not where the Core of Engineers said it was then we need to quickly do an adverse possession since we have maintained the cemetery for more than twenty-one years and get the county prosecutor involved.

RESOLUTION 22-10-02 MOTION TO APPOINT TRUSTEE BULLARD TO WRITE AN REA INVOLVING THE LOT OF CHESHIRE CEMETERY

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

RESOLUTION 22-10-03 MOTION TO APPOINT TRUSTEE BULLARD TO SPEAK WITH TONY STUCCO TO INITIATE AN ADVERSE POSSESSION IF NECESSARY, REGARDING CHESHIRE CEMETERY

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

Fire Department- With the boards indulgent, O'Brien gave some background as to what indications he asked Miller to work under. He explained that last fall there was a renewal of one of the fire levies for \$2.98 mils and two years ago the original fire levy was renewed for \$2.95 mils which has the 10% rollback grandfathered in, where the residents do not have to pay 10% of that levy. He asked Miller to write up an eight-year budget and include the ariel truck that will need to be purchased because of the BBP and the ability to service the buildings within it. The ariel truck will tentatively be purchased in 2028 and in today's budget it would cost approximately \$2 million dollars. When it comes time for the levy that passed in 2021, which is not a rollback levy and is up for renewal in 2026, he proposes that

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a new levy be done instead of a renewal. If we have the new levy in 2026, we will have the old levy for one-year plus the new levy which would allow enough money to purchase the ariel truck. Bullard said that another idea, assuming there is JEDD money coming in, is to use it to buy the ariel truck. O'Brien agreed but would like to have this as a backup plan if there is no JEDD money at that time. Raehll would like to use the JEDD money as Plan A and the new fire levy as Plan B as a failsafe. The trustees were all in agreement that Plan A would be to use JEDD money and Plan B would be a new fire levy.

On October 18th and 19th, O'Brien and Miller will be conducting interviews with potential firefighters. He asked Miller if in the physical part of the interview, a requirement of climbing an ariel would be prudent. He does not want that part of the test to be timed or a pass/fail but added points if they can climb the ariel and asked for the other trustees' inputs. Raehll said she does not feel it is necessary but likes the way O'Brien is accommodating the test with bonus points and not making climbing the ariel a pass/fail. Bullard is also satisfied with using bonus points for climbing the ariel.

Recess at 7:18 p.m. Returned at 7:28 p.m.

Road Department-

2023 Road Improvement Program- Bullard stated that he asked Irwin to put together a list of roads that need to be worked on. O'Brien asked that he put it in worst to best order or vice-versa. Bullard will ask Irwin to put them in some sort of order of importance.

Sam Dingus, 2-year anniversary – Labor II status-

RESOLUTION 22-10-04 MOTION TO RECOGNIZE SAM DINGUS AND HIS EXCEPTIONAL WORK OVER THE LAST TWO YEARS AND PROMOTE HIM TO LABOR II STATUS, TO BEGIN AT THE BEGINNING OF THE NEW PAY PERIOD AT THE RATE OF \$22.24/HOUR

Motion: Bullard
Second: Raehll
Vote: Raehll yes, Bullard yes and O'Brien yes
Discussion: Raehll confirmed with Bullard that the rate was \$22.24/hour and he said yes. She asked if it was typical that at a two-year anniversary there is a raise. O'Brien said that it was because of his performance. Bullard said that it was in the handbook. After checking the handbook there is nothing that states anything about a two-year anniversary raise/promotion. For clarification, Dingus is being promoted to Labor II status because of his excellent work performance. There will be a discussion at the organizational meeting about how the cost of living and anniversary raises will be handled in conjunction with each other.

RESOLUTION 22-10-05 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 – THREE TRUSTEES, AND THE FISCAL OFFICER ASSISTANT TO ATTEND- 7:45 P.M.

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

RESOLUTION 22-10-06 MOTION TO RETURN TO REGULAR SESSION- 8:10 P.M.

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

O'Brien "We met in executive session and no decisions were made and no actions were taken".

RESOLUTION 22-10-07 MOTION TO APPROVE AND ADD THE TITLE OF ASSISTANT ROADS SUPERINTENDENT DATED OCTOBER 10, 2022 AS PROVIDED BY TRUSTEE RAEHLL AT 8:13 P.M.

TITLE: ASSISTANT ROADS SUPERINTENDENT

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JOB OBJECTIVES:

- Individual is responsible for performing skilled to semi-skilled routine labor tasks for the maintenance and repair of Township roads, bridges, and culverts using a variety of hand and small power tools. Incumbent may also be responsible for scheduling and supervising the routine tasks of equipment maintenance, the repairing, maintaining and constructing Township roads and culverts, and for any other duties as assigned by the Roads Superintendent and/or the Berlin Township Board of Trustees.

The Assistant Roads Superintendent performs the job of the Roads Superintendent in their absence or if delegated by the Superintendent to conduct additional duties as assigned.

QUALIFICATIONS:

- 5+ Years' Experience;
- High school diploma or equivalent plus a minimum of one (1) year relevant work experience in general roadway maintenance, construction and/or the operation of medium to heavy duty truck;
- Must possess a valid State of Ohio Commercial Driver's License with a Class B Endorsement and an acceptable driving record;
- Must remain insurable under the applicable Township's insurance policies;
- Must maintain a telephone at place of residence and be available for work on short notice and outside scheduled work hours.

ESSENTIAL JOB FUNCTIONS:

- Operates light to medium equipment, such as power saws, weed eaters, chain saws, jack hammer, compactor, etc. to perform construction, repair, and maintenance work for Township roadway and bridge systems to include loading/unloading dirt, spreading gravel, stone, mix and/or tar, establishing level and/or grade, repairing/installing culverts, digging ditches, digging footers, landscaping, backfilling, signing, painting, and other similar activities;
- Transports tools, supplies, and materials to and from various job sites as needed;
- Performs manual labor tasks, such as washing vehicles, tractors, golf carts and gators, loading/unloading trucks, patching roads, filling potholes, cutting brush and trees, removing tree limbs and other debris from the roadway/roadside, mixing and pouring concrete, and cleaning culverts
- Inspects, maintains and replaces roadway signs and related components, clears brush and other obstructions to alleviate problems of visibility of signage, erects and inspects various warning and detour signs;
- Performs general maintenance of Township buildings (e.g., painting, light replacement, fan maintenance, etc.);
- Performs flagging activities to control traffic flow as needed;
- Performs inspections of Township roads during inclement weather;

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- Performs snow removal activities and spreads salt/grit mixture for snow and ice control as needed;
- Performs preventive maintenance to tools and equipment to include cleaning, lubricating, adding fluids and performing routine adjustments, and maintains equipment records;
- Performs ground maintenance duties to include, but not limited to, mowing grass, raking grass, leaves and other debris, and disposing of same in an environmentally acceptable manner;
- Reports all accidents and injuries to Fiscal Officer;
- Works overtime as may be required from time to time;
- Communicates with Township officials, Township officers, Township employees, outside agencies and residents in with respect and dignity and in a professional and business-like manner;
- Performs general custodial duties such as sweeping, mopping, and/or cleaning of facilities, clearing facility sidewalks and parking lot of snow; and
- Performs general maintenance and repair of facilities;
- Maintains regular, predictable in person attendance at the Township's work sites and locations;
- Work irregular hours (evenings, nights, weekends, etc.) or overtime as necessary;
- Perform other duties as assigned.

Additional Essential Cemetery Related Functions as designated by the Roads Superintendent may include any of the following:

- Typically, an undertaker will contact the Township office regarding a burial. We need to verify if it is a full size/vault and casket, and oversized vault, child, infant (hand dug) and if the vaults are steel or concrete (a little wider) or a cremation;
- Inquire the name of person to be buried and determine if they (spouse or parent) are owners of the grave space. If the name does not coincide with the deed, ask the undertaker to verify who the next of kin is, permission may be necessary. Living relatives are required to relinquish rights of grave space. If owner of said lot is still living, they can give permission. It is imperative that this is followed. We do not want to have to worry about future complications;
- Find out the date and time of burial;
- Contact our contractor to dig grave;
- Lay grave out. Use metal detector and other head stones to find exact spot for burial 40" X 8'6" if possible;
- The day of the funeral check out grave for any standing water or caving in on the sides;
- One hour before the funeral time make sure the vault man is here and everything is set;
- Check with vault man for preferred driveway usage and let the undertaker know. Inquire as

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to how many cars are to be expected. Allow parking on both sides of the road. Whichever undertaker contacts us in the beginning will be your contact through the process, keep name and number handy. Make sure head of casket is in the right location- the head should be at the north and the feet at the south;

- Do any courtesy work and stay out of the way of graveside service;
- Overlook the lowering of the casket to make sure it is lined correctly as well as the cement lid. Road Department should then start backfilling the grave with dirt. It is imperative that the vault not be left unattended until the vault/casket is covered with dirt.

KNOWLEDGE, SKILLS & ABILITIES:

- Ability to use the following equipment: a variety of hand and small power tool, e.g. shovel, rake, weed eater, power saw, etc., light duty vehicles, tractors, heavy duty trucks, two-way radio, and other related equipment as required to complete work assignments.
- Communication skills to comprehend and act upon written and oral instructions, policies, and procedures pertaining to assigned duties;
- Ability to work at heights of 18 feet or greater;
- Ability to understand general highway and bridge construction, repair and maintenance procedures, and the ability to make practical application to the work assignments;
- Ability to perform a variety of unskilled labor tasks relevant to construction, repair, and maintenance of Township roads, bridges and culverts.
- Ability to use power/air driven tools, light to medium equipment to complete work assignments;
- Ability to work well with others and to function individually or as a member of a work crew;
- Knowledge of organizational and work zone safety practices and procedures and the ability to apply to the work environment;
- Ability to perform heavy manual labor for prolonged periods, often under adverse weather conditions and often outside scheduled work hours;
- Ability to timely and professionally communicate effectively with residents and other government agencies;
- Ability to timely and professionally write correspondence, memoranda, emails, reports and budget documents;
- Knowledge of the policies, procedures, and methods of the Road Department and the relationship they have to work assignments; and
- Knowledge of policies and procedures relative to the Department.

WORKING ENVIRONMENT & CONDITIONS:

- The working conditions and physical and mental demands of this job are as necessary to fulfill all essential job functions of this position with or without a reasonable accommodation;
- Individual performs heavy work which may require lifting more than fifty (50) pounds

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frequently. The work of this position is primarily performed outside and requires sustained physical exertion while doing a variety of facility, road and cemetery maintenance and repair activities. Individual may, from time to time, as determined by the Board, be required to pass a physical examination to determine the individual’s ability to perform essential job-based functions;

- Individual performs the following physical activities: climbing, climbing ladders, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, communicating, and performing repetitive motions.

Physical qualifications set forth in 49 CFR 391, Subpart E, Section 391.41 for holding a valid State of Ohio Commercial Driver’s License are included herein by reference;

- Individual must be able to see at close distances and beyond arm’s reach. Depth perception and peripheral vision are required to safely operate vehicle(s) and other heavy equipment.

Neck mobility is necessary when operating snowplow equipment;

- Individual works inside and outside, with exposure to extremes in temperatures and weather conditions, noise, dirt and mechanical hazards. Individual is frequently exposed to vibrations, atmospheric conditions, substances like oil, and various other hazards. Work can be exacting and incumbent may work alone or in teams. The incumbent must be able to work at various heights to complete work assignments.

Safety Equipment

- Individual is regularly required to use hard hat, eye protection, hearing protection, rubber/leather gloves, highway safety vest, reflective roadway markers, vehicle lights, safety/seat belts, steel-toe shoes, and any other safety equipment necessary to complete work duties.

Created: October 10th, 2022

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

RESOLUTION 22-10-08 MOTION TO HIRE JESSE PEDEN AT \$26.50/HOUR FOR THE POSITION OF ASSISTANT ROADS SUPERINTENDENT, EFFECTIVE OCTOBER 22, 2022 PENDING APPROVAL OF ALL PAPERWORK BY THE FISCAL OFFICER

Motion: Bullard
Second: Raehll
Vote: O’Brien yes, Raehll yes and Bullard yes
Discussion: O’Brien asked if a drug test is administered for this position and Bullard said that those are conducted randomly.

Bullard brought forth a requisition written by Irwin for a new front-end loader/articulated skid steer. Ours is wearing out, mainly the loader attachment and a larger one is needed due to the increasing size of the township. Last year Orange Township loaned us their wheel loader so that salt could be loaded into the trucks. He said that he would like to purchase it at the beginning of the year. Raehll asked for clarification on the wording of the description on the requisition and said that it needs to be more specific. After a discussion on the wording, Bullard will give Irwin the input so that he can re-write the requisition and include

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an assessment on its current safety status for the next trustee meeting. This way there is a good record of Irwin's description that is clear and accurate so that the board can take action based on his recommendations.

Bullard previously asked the board to consider purchasing a new pickup truck for the roads department to help with transporting employees to different locations and help with projects around the township. He sent the trustees information that included descriptions of each truck and what each is capable of doing. Raehll thinks that potentially a new snowplow truck will be needed with the increasing number of roads throughout the township. O'Brien asked for Bullard's recommendation, he said that if we are looking to clear roads faster a snowplow will be needed but he thinks a pickup truck is also necessary to alleviate the usage on the big trucks, which cost an extreme amount of money to fix when they break down. He suggested the snowplow (F550) this year and the pickup truck next year. Bullard said that the F550 would not be available to purchase for another six months but can use the F450 that we currently have that was not used much last year since there will be more manpower this year. O'Brien said that with that information, we would purchase a pickup truck this year and the F550 next year. Bullard will bring a requisition to the next trustee meeting for a pickup truck and begin the process for the F550.

Trustee Items-

Township Hall Rental Checklist- Raehll will bring a checklist for the board's approval to the next trustee meeting that renters of the hall will have to complete before getting their deposit returned to them.

Zoning Department-

Cell Tower Update- Raehll said that a deposition will take place with the building code enforcement for Delaware County on October 20, 2022. OLSD has assigned a new attorney to the case and has put forward five motions to the court that are on record, including motion to dismiss. She said it sounds like we are going to have to continue to pursue both TowerCo and OLSD and help them understand what the nature of their role is in the fact that they are the landowners and can stop this through terminating the contract at any time. Riepenhoff will have an update for the next week and Raehll will bring the information to the board at the next trustee meeting.

September Zoning Report- There were 4 new home built in September and the YTD is 128.

Software for online permits- Raehll said that she and the zoning department are looking into implementing permit software next year for residents to be able to submit permit applications online.

Borso constructed a violations document and has waited for over a month for the assistant prosecutor's office to get back to us on their role once we complete the intent to prosecute portion. Stucco met with the zoning office last week because they followed the zoning text protocol for a specific violation all the way through and Stucco is advising us to continue to reach out to the property landowner rather than follow our zoning code. She is going to write to him for clarification because at the prosecutor's guidance Borso called the landowner again which creates favoritism. O'Brien said that our zoning text needs to be followed to prevent that. He said if the text is wrong then it needs to be changed and if it is correct it needs to be followed. Raehll and Bullard agree with O'Brien. Raehll is going to send an email to Stucco for clarification and will follow up with the board on her discussion.

Berlin Business Park (BBP)- Raehll said that DCFA has contracted with a land planner and is planning to reach out to all of the owners of the BBP and enter into some kind of land acquisition agreement to acquire large amounts of the BBP to make it more favorable to developers looking to build in it. Bullard said that they should be required to sign up for the JEDD. Raehll has heard that the water tower is approximately 160-foot high and will be located next to the pumping station. She updated the board on the status of the utilities to include, AEP is expanding the station to amplify that portion of the BBP and increase the megs, and where the sewer will run. ODOT has been proactive in keeping the township in the loop of all the happenings and sent a plan where one of the roads that this developer is proposing is not the way that the county had constructed for the BBP.

Future Meetings-

10/13/22 Parks & Trails Meeting

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- 10/20/22 MORPC Meeting**
- 10/24/22 Trustee Meeting**
- 11/10/22 Parks & Trails Meeting**
- 11/14/22 Trustee Meeting**
- 11/28/22 Trustee Meeting**

Late Items- O'Brien said that the new crosswalk at Preston Fields is the old style and asked who put it in. Bullard said that he thinks it was the county. O'Brien wants to confirm that it is compliant and wants to add a sign on it for safety. Bullard will check with Riedel and bring an answer back to the board.

O'Brien would like to know if the walkway on Piatt Road at Piatt Preserve West is compliant because it seems to be extremely hilly. Raehll will have Borso look into it and confirm it is compliant and will let the board know at the next trustee meeting.

**Adjourn-
RESOLUTION MOTION TO ADJOURN
22-10-09**

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

Meeting was adjourned by Chairman O'Brien at 9:35 P.M.

Ken O'Brien, Chairman

ATTEST:

Meghan Raehll, Vice-Chair

Theresa Taylor, Fiscal Officer Assistant

Ron Bullard, Trustee