

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting May 23, 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 Raehl absent, Ron Bullard, Claudia Smith, Fiscal Officer

ATTENDANCE: Tony Eyerma, Fire Chief Miller and Chris Rinehart

Public Comment- None

**Approval of Minutes-
RESOLUTION 22-05-27 APPROVE THE 4/25/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

RESOLUTION 22-05-28 APPROVE THE 5/4/22 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 22-05-29 APPROVE THE 5/9/22 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

Old Business-None

Fiscal Officer Items-None

Cemetery-Bullard said they would be putting foundations in Tuesday. They are also going to be doing the ditch on Piatt Road, so he is going to try to supervise that project. He said Foor has had a lot to do so they have not had time to get the markers replaced and they may not be in place for Memorial Day. It will be mowed and look nice though. Bullard said the cemetery is very wet and O'Brien said he doesn't know why they ever put a cemetery there.

Fire Department-

**Requisitions-
RESOLUTION 22-05-30 APPROVE \$2,946 WITH THE ANTICIPATED AMOUNT BEING \$2,455 TO FOREMOST PROMOTIONS FOR EVENT ITEMS FOR THE REST OF THE YEAR.**

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

RESOLUTION 22-05-31 APPROVE UPTO \$1,000 TO MENARDS FOR A REFRIDGERATOR FOR THE FIREHOUSE

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

BERLIN TOWNSHIP TRUSTEES

6:00 p.m.

Trustee Meeting

May 23,

22

**Resignation-
RESOLUTION
22-05-32**

ACCEPT RESIGNATION FROM PART TIME FIRE FIGHTER RYAN STROHL EFFECTIVE MAY 13, 2022, AS OUTLINED IN HIS LETTER OF RESIGNATION AND UPON THE RECOMMENDATION OF FIRE CHIEF MILLER

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

Chief Miller said as a late item he did receive an update on the fiber and said he talked to Consolidated who was able to get a better answer from the county engineer regarding the Cheshire Road widening project which is slated to begin August 2023. He believes the cost currently if we do it now on the poles would be \$30,000. But to know for sure we would have to spend \$1,000 to petition AEP to see if we could put fiber on their poles and it's not a guarantee if they will let us or not. We would have to pay partially to have the poles moved when the road widening happens. O'Brien said then we should wait. They discussed the purchase of road-right-of-way and how wide they thought the road would be.

Road Department-Bullard said the truck was out for brake repairs. He provided everyone with a map showing the path at the high school and the new middle school. A new path was added along Glen Mead and Piatt Roads so you can walk on the school side of the roadway. He said the development on the south side committed to making connections to the school but he does not see that.

Trustee Items-

**RESOLUTION
22-05-33**

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 - TWO TRUSTEES, FISCAL OFFICER, AND CHRIS RINEHART TO ATTEND- 6:30 P.M

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

**RESOLUTION
22-05-34**

MOTION TO RETURN TO REGULAR SESSION- 6:58 P.M.

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

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

Rinehart asked Smith to get him a copy of the fully executed Economic Development Incentive Agreement.

**RESOLUTION
22-05-35**

MOTION TO ACCEPT THE ADDENUM TO THE MAY 4, 2022 ENGAGEMENT LETTER INVOLVING TOWERCO ADDING GRANT WOLF

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

**RESOLUTION
22-05-36**

APPROVE \$5,000 TO RINEHART LEGAL SERVICES FOR GENERAL REPRESENTATION MATTERS TO BE CLASSIFIED BY SEPARATE MATTERS GOING FORWARD

Motion: O'Brien

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting May 23, 22

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

Zoning-

O'Brien called the hearing for BZC 16-001 Evans Farms to order at 7:00 p.m.

O'Brien said it has come to his attention that the application wishes a continuance of the hearing to a date and time certain. Tony Eyerman said that Trustee Raehll reached out to him and explained to him that she would not be here and out of courtesy to her they ask for the continuance. O'Brien said our next meeting is June 13th or July 11 and asked Eyerman what his preference was. Eyerman said June 13th if all the trustees would be present. O'Brien said the applicant has asked for a continuance to June 13th at 7:00 p.m. at the township hall.

RESOLUTION 22-05-37 MOTION TO CONTINUE THE HEARING OF BZC CASE 16-001 EVANS FARMS TO A DATE AND TIME CERTAIN OF JUNE 13, 2022 AT 7:00 P.M. AT THE TOWNSHIP HALL AND RECESS THE HEARING TO THAT TIME PER THE APPLICANTS REQUEST

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

Future Meetings-

**06/09/22 Delaware County Township Association
06/13/22 Trustee Meeting
07/11/22 Trustee Meeting**

RESOLUTION 22-05-38 APPROVE UPTO \$50 TOTAL FOR ELECTED OFFICIALS TO ATTEND DELAWARE COUNTY TOWNSHIP ASSOCIATION MEETING ON JUNE 9, 2022

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

Bullard said the topic that night will be about solar, and they might want to have someone from the zoning office to attend but he would leave that up to Raehll to determine.

RESOLUTION 22-05-39 APPROVE UPTO \$25 FOR ZONING MEMBERS ATTENDANCE AT THE JUNE 9, 2022, DELAWARE COUNTY TOWNSHIP ASSOCIATION MEETING AS DEEMS APPROPRIATE BY TRUSTEE RAEHLL

Motion: Bullard
Second: O'Brien
Discussion: O'Brien asked if we were paying them for a meeting. His thought is that if they want to attend, we will pay for their registration which includes a meal, but he doesn't want to pay them for a meeting to go because it is not a requirement to go. Bullard said it is really for our benefit. O'Brien said if you think they should get paid then you should make that known. Bullard said we have done nothing with solar or wind mills and thinks we need to.
Vote: O'Brien yes and Bullard yes

Late Items-

RESOLUTION 22-05-39 MOTION TO APPROVE REVISED SETTLEMENT IN AN APPROPRIATION CASE AND AUTHORIZING PAYMENT

APPROVING SETTELEMENT IN AN APPROPRIATION CASE AND AUTHORIZING PAYMENT

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting May 23, 22

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in open session, pursuant to R.C. § 121.22, on the 23rd day of May, 2022. The following members were present:

- 1. Ken O’Brien _____
- 2. Ron Bullard _____
- 3. _____

O’Brien moved the adoption of the following resolution:

PREAMBLE

WHEREAS, the Berlin Township Board of Trustees (“Board”) has previously authorized and commenced the Piatt Road highway project known as DEL-TR99.0927 (“Project”); and,

WHEREAS, as part of the Project, the Board has appropriated land that was necessary for the completion of the Project; and,

WHEREAS, the Board is the Plaintiff in the appropriation case styled *Berlin Township Board of Trustees v. Barbara Reiner, et. al.*, in the Delaware County Court of Common Pleas, case no. 21 CVH 03 0100; and,

WHEREAS, the Board desires to settle this matter with Defendants Barbara and Janet Reiner, and shall approve necessary revisions to the agreed upon judgment entry approved on May 16, 2022.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

- 1. The Board hereby authorizes the Delaware County Prosecutor’s Office to settle the *Reiner* case with Defendant’s Barbara and Janet Reiner on the terms described in the attached “Revised Agreed Judgment Entry on Settlement.”
- 2. 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.
- 3. This Resolution shall take effect immediately upon adoption.

Bullard seconded the motion.

The roll was called on the question of adoption.

Voted on and adopted this 23rd day of May 2022 in Berlin Township, Delaware County, Ohio.

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

Ken O’Brien
Trustee

ABSENT _____

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting May 23, 22

Meghan Raehll
Trustee

Ronald Bullard
Trustee

Attest: _____
Claudia Smith
Berlin Township Fiscal Officer

CERTIFICATE

State of Ohio, Delaware County

I, the undersigned Township Fiscal Officer of Berlin Township, Delaware County, Ohio, certify that the foregoing Resolution No. 22-05- is taken and copied from the record of proceedings of the Board, 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.

Date: May 23, 2022 _____
Claudia Smith,
Township Fiscal Officer
Berlin Township, Delaware County, Ohio

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

O'Brien read an email they received from Raehll: I spoke with the Orange township administrator regarding the application for the Zoning Inspector. If amendable, I would like to proceed forward with me interviewing him and plan to provide an update and/or recommendation for the meeting on the 13th. If the board would prefer to all meet with the candidate, please let me know. O'Brien said if she is strongly in support, he doesn't need to interview them. If she has some questions, he does want to. Bullard was okay with it.

RESOLUTION 22-05-41 MOTION TO AUTHORIZE TRUSTEE RAEHLL INTERVIEW ZONING INSPECTOR APPLICANT AND COME TO THE JUNE 13, 2022 MEETING WITH A RECOMMENDATION IF SHE IS STRONGLY IN SUPPORT OF THIS PERSON, IF SHE IS IN FAVOR BUT NOT CLEARLY SO, THEN THE BOARD WOULD LIKE TO INTERVIEW THEM AS A COMMITTEE OF THE WHOLE.

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

O'Brien said she also would not be able to attend the RPC meeting and he intends to go but is not guaranteeing it.

RESOLUTION 22-05-42 MOTION TO ACCEPT TYLER ALBAUGH'S START DATE EFFECTIVE MAY 15, 2022, PER FIRE CHIEF MILLER'S RECOMMENDATION

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

Miller said he found the email regarding the fiber and read the following from Tiffany Jenkins: I reviewed our current plan for the Cheshire Road widening. Honestly, there is not much room between the existing right-of-way and the proposed edge of pavement on either

BERLIN TOWNSHIP TRUSTEES

6:00 p.m.

Trustee Meeting

May 23,

22

side of the road except in front of Howard Farms. The county will be obtaining additional right-of-way for the road project, but that process will not start until next year and would not include space for the new fiber line.

I've added the current widening plan to our ftp site for your use. Your engineer/designer can use this to provide options for pricing. Sheets 24-28 show the proposed improvements between the township hall and fire station. Keep in mind these plans are not final. Here's a link to the ftp site: <ftp://ftp.co.delaware.oh.us/Engineering/Cheshire%20Widening%20-%20township%20fiber/>

**You must use Explorer or Edge to open the site as it does not like other browsers.

Also – the proposed plan for your fiber must be submitted to our office for review so a permit can be issued for work in the right-of-way. This needs to be done even if you have another county office helping you with the design.

Miller said Consolidated recommended that if they are going to do the road work we could see if we could put conduit in the roadway for pulling the fiber but said they don't like to do that. O'Brien said it doesn't cost us anything to ask and that we should ask the county prosecutor and asked Bullard talk to the county engineer and the prosecutor.

**RESOLUTION MOTION TO ADJOURN
22-05-43**

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

Meeting adjourned by Chairman O'Brien at 7:27 p.m.

Ken O'Brien, Chairman

Absent
Meghan Raehll, Co-Chairman

ATTEST:

Claudia Smith, Fiscal Officer

Ron Bullard, Trustee