

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting January 14, 19**

**HELD AT:** Berlin Township House, 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, Tom D'Amico and Ron Bullard and Claudia Smith, Fiscal Officer.

**ATTENDANCE:** Assistant Fire Chief Joe Pichert, Larry Buell, Dustin Kent, Melissa Schiffel and Chris Paykoff

**PUBLIC COMMENT:** O'Brien asked if there were any public comments. Hearing none they moved to the next item on the agenda.

**RESOLUTION 19-01-32 APPROVE THE 12/10/2018 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**RESOLUTION 19-01-33 APPROVE THE 12/27/2018 END OF YEAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**RESOLUTION 19-01-34 APPROVE THE 12/27/2018 ORGANIZATIONAL MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Old Business –**

**Cemetery Rules & Ossuarium Pricing –** D'Amico said he is still waiting on Fowler. Bullard said he spoke with him and he said he was working on it.

**Employee Handbook Updates –** O'Brien said he sent the draft to everyone and Bullard and Smith said they could not open it. O'Brien will ask them to send it again.

**Fairview Cemetery Updates –** Nothing new.

**Mowing RFP –** Smith said four people have asked for the bid packet.

**The Cloud Updates –** Nothing new.

**Trebel Contract –** Smith said she still has not heard from Fowler.

**Meeting Resolution –** O'Brien wants a clause added that states if there is no electricity or internet the meeting notices would not be posted to the internet.

**RESOLUTION 19-01-35 APPROVE IN THE MATTER OF ESTABLISHING A REASONABLE METHOD WHEREBY THE PUBLIC MAY DETERMINE THE TIME AND PLACE OF ALL REGULARLY SCHEDULED MEETINGS OF THE BOARD AND THE TIME, PLACE, AND PURPOSE OF ALL SPECIAL AND EMERGENCY MEETINGS OF THE BOARD**

The Board of Trustees of Berlin Township, Delaware County, Ohio ("Board") met in open for the regular meeting on the 14th day of January 2019.

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

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Ron Bullard Moved the adoption of the following Resolution.

**PREAMBLE**

**WHEREAS**, pursuant to R.C. § 121.22(F), the Board is required, by rule, to establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings of the Board and the time, place, and purpose of all special meetings of the Board; and,

**WHEREAS**, the Board also desires, consistent with R.C. § 121.22(F), to establish a reasonable method whereby any person may determine the time, place, and purpose of all emergency meetings of the Board.

**RESOLUTION**

**NOW THEREFORE BE IT RESOLVED:**

Pursuant to R.C. § 121.22(F), the Board establishes and provides notice of the following schedule for all regular meetings of the Board held in 2019 and sets the following rules for providing notice of all special and emergency meetings of the Board held in 2019 :

- 1. All regularly scheduled meetings of the Board held in 2019 shall be held in accordance with the following schedule:

Time: 7:00 P.M.

Days/Dates: The 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month with the following exceptions: June, July and August meetings will be 2<sup>nd</sup> Monday at 7:00 p.m. HOLIDAY EXCEPTIONS: 2<sup>nd</sup> meeting in May will be May 28, 2019 and the 1st meeting in November will be November 12, 2019. ROAD INVENTORY MEETINGS: Spring - April 8, 2019 beginning at 9:00 a.m., Fall - August 12, 2019 beginning at 9:00 a.m. The 2019 END OF YEAR MEETING: Immediately following the regular meeting on December 23, 2019. The 2020 ORGANIZATIONAL MEETING: January 6, 2020 at 5:00 p.m.

Place: Berlin Township Hall 3271 Cheshire Rd Delaware, Oh 43015.

- 2. The Fiscal Officer shall immediately publish the above time, days/dates, and place of all regularly scheduled meetings one (1) time in the Delaware Gazette, a newspaper of general circulation in the Township.
- 3. The Fiscal Officer shall also continually post the above time, days/dates, and place of all regularly scheduled meetings in at least one (1) prominent public location in the township hall, in at least one (1) prominent public location at any other location where the Board regularly holds meetings and/or conducts business (if any), and, if the Board maintains a Township website or subsequently establishes a Township website, on the Township’s website.
- 4. Any person, upon request made to the Fiscal Officer, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Advance notification shall be provided in any reasonably requested manner to include, but not limited to, providing notice and the agenda by email sent to an email address provided by the requestor or physically mailing the notice and agenda to the requestor and/or all subscribers on a mailing list provided by the requestor. If physical mailing of the notice and agenda are requested, the requestor shall provide the Fiscal Officer a sufficient quantity of self-addressed, stamped envelopes bearing sufficient postage to mail the requested notice(s) and agenda(s). The Fiscal Officer shall maintain a list of all persons requesting such notification.

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5. The Fiscal Officer shall maintain a separate list of news media requesting notification of meetings.
6. Where the purpose of a regular meeting is of a type for which a person(s) or the news media has requested notification, the Fiscal Officer shall provide advance notice to such requesting person(s) in the manner requested and to the news media in writing.
7. The Fiscal Officer shall provide notice of the time, place, and purpose of all special meetings of the Board as follows:
  - A. Provide at least twenty-four (24) hours' advance notice in writing to the news media that have requested notification; and,
  - B. Where the purpose of the meeting is of a type for which a person(s) has requested notification, provide advance notice to such requesting person(s) in the manner requested.
  - C. Prominently post advance notice of the meeting on the door of the township hall or other location where the meeting is to be held.
  - D. If the Board specifically requests notice be published, publish notification as directed by the Board.
  - E. If the Board maintains a Township website or subsequently establishes a Township website, post notice of the meeting on the Township's website. (Except when electric or internet interruption makes it impractical to notice on the website.)
8. Any member or members of the Board calling an emergency meeting of the Board shall immediately provide notice of the time, place, and purpose of the emergency meeting as follows:
  - A. Provide notice in writing to the news media that have requested notification; and,
  - B. Where the purpose of the meeting is of a type for which a person(s) has requested notification, provide notice to such requesting person(s) in the manner requested.
  - C. Prominently post notice of the meeting on the door of the township hall or other location where the meeting is to be held.
  - D. If the Board maintains a Township website or subsequently establishes a Township website, post notice of the meeting on the Township's website.
9. If a meeting is cancelled, the Fiscal Officer shall provide notice of the cancellation by prominently posting a notice of the cancellation on the door of the township hall or other location where the meeting is to be held and, if the Board maintains a Township website or subsequently establishes a Township website, posting notice of the cancellation on the Township's website.
10. 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.
11. This Resolution shall be in full force and effect immediately upon adoption.

Tom D'Amico Seconded the motion.

Voted on and signed this 14<sup>th</sup> day of January 2019 in Berlin Township, Delaware County, Ohio.

Motion: Bullard

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

\*\*\*\*\*7:15 P.M. TIME CERTAIN\*\*\* **BZC 18-002 AAT PROPERTIES LTD**\*\*\*\*\*

O’Brien called to order the BZC hearing 18-002, which is the rezoning request Hyatts Plaza of 5600 Columbus Pike and 31 Hyatts Road. O’Brien read into the record exhibit 11, letter received January 8, 2019:

Dear Board of Trustees;  
On behalf of AAT Properties, owners of the properties, I here by request to table or postpone our January 14, 2019 hearing until a later meeting preferably your January 28<sup>th</sup> meeting.

The reason for the request is so all members of our team may be present to answer any questions that you may have. Connie Klema, the project attorney, is out of state that evening and unable to attend.

Sincerely,  
John Oney, AAT Properties Project Architect

D’Amico said there were a lot of items in the application that he finds disturbing and named a few of them. He said if we follow our rules it does not fit.

**RESOLUTION 19-01-36 APPROVE CONTINUING THE HEARING OF BZC 18-002 FROM AAT PROPERTIES TO OUR JANUARY 28, 2019 MEETING AT 7:15 P.M. AT 3271 CHESHIRE ROAD, DELAWARE, OH 43015**

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

**Fiscal Officer Items –**

Trustees signed the December 2018 bank statement and electronic payment list.

**2019 1<sup>ST</sup> Amended Certificate of Estimated Resources -**

**RESOLUTION 19-01-37 APPROVE 2019 FIRST AMENDED CERTIFICATE OF ESTIMATED RESOURCES AND APPROVE PERMANENT APPROPRIATIONS NOT TO EXCEED \$8,121,387.83**

**1<sup>ST</sup> AMENDED CERTIFICATE OF ESTIMATED RESOURCES**

1000 General Fund	\$3,395,339.92
2011 Motor Vehicle License Tax Fund	\$ 34,175.00
2021 Gasoline Tax Fund	\$ 132,341.00
2041 Cemetery Fund	\$ 145,743.30
2042 SPRBA	\$ 20,603.00
2111 Fire Fund	\$3,290,743.73
2181 Zoning Fund	\$ 636,924.00
2231 Motor Vehicle Permissive License Tax Fund	\$ 90,692.00
4303 Capital Project - Park	\$ 2,255.88
4401 Public Works Commission Project	\$ 62,570.00
4901 Capital Project – Fire	<u>\$ 310,000.00</u>

**Total First Amended Certificate \$8,121,387.83**

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

**Inventory Disposal –** O’Brien asked what happened to the items and Smith said it was either sold on GovDeals or was disposed of as broken.

**RESOLUTION APPROVE DISPOSAL OF INACTIVE INVENTORY ITEMS ON**

**BERLIN TOWNSHIP TRUSTEES**

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**19-01-38 ASSEST LIST DATED 1/9/2019 AS PRESENTED BY FISCAL OFFICE**

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

**Credit Card Policy** – Smith said they received an email saying they need a credit card policy, which they have from 2016, but she did not review it to see if they were different. She said one of them made the Fiscal officer responsible of all credit cards, which she did not like. O'Brien said we should review it and talk about it at the next meeting since it is not due until February 2, 2019.

**Set Hearing Date for The Villas of Old Harbor** – Bullard said since we have not received it yet, we cannot set a hearing date. Once the trustee receive it at a meeting, they can set a hearing date.

**Cemetery** – D'Amico said we discussed ordering urns and keeping them in stock and he suggested that we order 10 at \$61. Bullard said that amount was within their monthly spending. Bullard said Fowler is still working on the rules updates. Bullard said we had three burials on New Year's Eve, which was a rainy, miserable day, and the guys did a wonderful job. The funeral homes all worked together and they did not tear up the cemetery and thinks they did a great job.

**Fire Department** – Pichert said they posted a full-time position in house, to replace Hausfield and as long as they have three internal applicants the process will move forward in February. If they do not have three they will look outside the fire department. They hope to have them in place in March.

**Road Department –**

**2019 Road Improvement Estimate** – O'Brien said he had asked for a ranking order regarding crack sealing from top to bottom and asked Bullard if Irwin had one that. Bullard said he did not think so as it was a small amount. Bullard said this was for the onyx coating. Bullard said we did not have any paving projects for this year but we do have the sidewalk project and some crack sealing.

**RESOLUTION 19-01-39 APPROVE \$129,068.26 TO DELAWARE COUNTY ENGINEER FOR THE 2019 ROAD IMPROVEMENT PROGRAM**

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

Bullard said he read in the newspaper that they put a TIFF on for Home Road bridge over the railroad tracks, Cheshire Road bridge, Old State Road and Shanahan so he thinks we should be able to do a TIFF for our portion of Piatt Road. He suggests that they investigate a TIFF for it, apply for OPWC grant and borrow money from OPWC. If we do not get any of these, we can pay for it from the general fund. O'Brien wondered if we need a road and bridge levy. Bullard said he would have a hard time going to the voters with the money that we have in the general fund. O'Brien said we need to know how much money we are going to need to pay for future road repairs.

**Acceptance of Roadways -**

**RESOLUTION 19-01-40 APPROVE ACCEPTING AND INCLUDING THE FOLLOWING THREE ROADS INTO THE TOWNSHIP ROAD INVENTORY: .13 MILES OF PIATT ROAD (TWP 99), GLENMEAD ROAD (TWP 1724) AND GLENVALE ROAD (TWP 1725) FROM THE COUNTY COMMISSIONERS.**

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

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**Children at Play Signs** – Bullard said he received an email from a resident on Baker Road that asked for Children at Play Signs to be installed. Bullard said we have resisted this in the past due to the fact that we will get similar requests from everyone in the township. We could have signs everywhere that people will stop paying attention to them. O’Brien agreed but said he did not think we were responsible for that part of the road. Smith went to get the road maintenance agreement they have with Brown Township and it stated that it is our responsibility. D’Amico said we have the same situation with speed bumps. If there are no signs out there, it might be somewhat effective. He would not mind putting up a sign but he does not want to put too many of them up. D’Amico said he will check into it future and bring it to the next meeting.

**Trustee Items** – Nothing.

**Zoning Department –**

**December Zoning Report** – D’Amico said there was a large rezone that put money in the hopper. He thinks home sales will go up in 2019.

Smith asked if they got the email about zoning office computers stating that they were having a hard time getting the computers that were originally approved, but could get Dell computers sooner.

**RESOLUTION 19-01-41 APPROVE BULLARD MODIFY OR CHANGE PURCHASE REQUISITION FOR TWO COMPUTERS FOR THE ZONING OFFICE AS NEEDED NOT TO EXCEED THE ORIGINAL PURCHASE PRICE**

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

D’Amico said at the organizational meeting they moved the May 27<sup>th</sup> meeting to Tuesday May 28<sup>th</sup> and the BZC has a meeting on that date. They asked if they should change their meeting date or if the trustees would change theirs. D’Amico said lets have them move theirs. Bullard will let them know.

**Future Meetings –**

- 1/28/19 Trustee Meeting
- 2/11/19 Trustee Meeting
- 2/25/19 Trustee Meeting

**RESOLUTION 19-01-42 APPROVE EXPENDITURE OF THE THIRD THURSDAYS COST THAT INCLUDES A MEAL, IS A PUBLIC PURPOSE FOR BERLIN TOWNSHIP, AND THAT THE FOUR ELECTED OFFICIALS MAY ATTEND UPTP THREE OF THESE TO BE PAID FOR BY BERLIN TOWNSHIP TO ATTEND CHAMBER OF COMMERCE MEETINGS. THE ELECTED OFFICIALS ARE ABLE TO ATTEND MORE THAN THREE BUT AT THEIR OWN EXPENSE**

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

**Late Items –**

Bullard said they received an email from Doug Riedel regarding Curve Road and Sherman Road that have cures and need Curve signs. He is not sure if the ball bank study has been completed.

**RESOLUTION 19-01-43 APPROVE REMOVING JEFF EVANS FROM PROBATION AT HIS NORMAL RATE OF PAY**

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

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Bullard said we received an email from Irwin about the CDL rules and they have asked the prosecutor and have not gotten any feedback. D'Amico said we need to get something from Fowler and he will try to get it.

**RESOLUTION 19-01-44 APPROVE \$8,000 TO FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP FOR EMPLOYEE HANDBOOK**

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

**RESOLUTION 19-01-45 AUTHORIZE PAYMENT OF UPTO \$5,703 TO DELAWARE COUNTY REGIONAL PLANNING FOR MEMBERSHIP DUES @ \$1.04 PER CAPITA ESTIMATED POPULATION OF 7,626 -**

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

**RESOLUTION 19-01-46 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman O'Brien at 9:19 p.m.

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Ken O'Brien, Trustee

ATTEST:

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Tom D'Amico, Trustee

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Claudia Smith, Fiscal Officer

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Ron Bullard, Trustee