

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting April 22, 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:** Rob Platte, Scott Belcastro, Doug Riedel, Jack Martino, Jim Ullman, Ray Armstrong, Terry Andrews, Molly Gwin, Craig Hall and Barb Schanck

**PUBLIC COMMENT:** O'Brien asked if there were any public comments. Scott Belcastro with Trebel said that every year he purchases the eggs for the Easter egg hunt and this year they were purchased before he could get to it so he was presenting a check for reimbursement of the cost. He also stated that last year was a phenomenal year and everything is going good for 2019 and they set the lowest rate in the AEP market again. He said they are currently populating their portal and that it would be available by the end of the week. Bullard said he heard that the electric supplier was getting out of the aggregation business. Belcastro said that Capital Energy was getting out of the business and he thinks he knows who the buyer is and there will be no difference in the current contract. He will send us something when it happens.

**RESOLUTION 19-04-19 APPROVE ACCEPTING \$360 DONATION FROM TREBEL LLC TO THE FIRE DEPARTMENT FOR REIMBURSEMENT OF CANDY FILLED EGGS**

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

**RESOLUTION 19-04-20 APPROVE THE 4/8/2019 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Old Business – Cemetery Rules & Ossuarium Pricing –** D'Amico asked to discuss this later.

**Employee Handbook Updates/Vacation Accrual –** O'Brien said he would like to continue this meeting until May 1, 2019 at 5:00 p.m. to discuss.

**Fairview Cemetery Updates –** Nothing new.

**The Cloud –** Bullard said they are continuing to move forward on the Cloud and had a meeting with the land owners and the economic development folks. They are getting close to submitting it to the BZC. O'Brien said he will be recusing himself from the vote on the western portion but not on the eastern portion. Armstrong said they are meeting with the RPC on April 30<sup>th</sup> to discuss the rough draft.

**Miller Landscaping Quote –** Bullard said he spoke with the road superintendent who said they could do the mulch and they are looking at getting another quote.

**Arch Wireless Stocks –** D'Amico said he could not find out anything.

**Cummins Generator Requisition –** Hall said Pichert is still waiting to hear about the indemnity clause.

**Vacation of Road –** Smith said the hearing has been postponed until April 25, 2019.

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**Fiscal Officer Items –**

**2<sup>nd</sup> Amended Certificate** – Smith said she left out the Hollenback and Piatt Road notes on the 1<sup>st</sup> amended certificate and has submitted a 2<sup>nd</sup> amended correcting the error.

**RESOLUTION 19-04-21 APPROVE 2019 2ND AMENDED CERTIFICATE OF ESTIMATED RESOURCES AND APPROVE AMENDED PERMANENT APPROPRIATIONS NOT TO EXCEED \$8,137,478.33**

**2ND 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
3101 General Note – Hollenback Road	\$ 12,550.00
3101 General Note – Piatt Road	\$ 3,540.50
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 \$8,137,478.33**

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

**Cemetery –**

**Indigent Burial** – Bullard said Fowler suggested that we update our indigent burial rules to be consistent with what all the townships are using now.

**Fire Department –**

**Hiring Full Time Fire Fighter** – Hall said that he and Pichert met with O’Brien to discuss the possibility of hiring another full-time fire fighter to help with the shifts.

**RESOLUTION 19-04-22 APPROVE HIRING A FULL-TIME FIRE FIREFIGHTER FOR THE BERLIN TOWNSHIP FIRE DEPARTMENT AND ESTABLISHING THE TERMS AND CONDITIONS OF SUCH EMPLOYMENT**

PREAMBLE

WHEREAS, the Board of Trustees of Berlin Township, Delaware County, Ohio (the "Township") desires to hire an individual as a fulltime firefighter for the Township; and WHEREAS, it is in the best interest of Township and its residents to establish and clarify the terms and conditions of employment for **full-time fire fighter**, who is presently employed by the Township as a **part-time fire fighter**, and WHEREAS, it is in the best interest of the Township and its residents to provide certain additional benefits to this employee as a form of compensation;

RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Trustees of Berlin Township, Delaware County, Ohio (the "Board") that the following Resolution be and is hereby adopted: RESOLVED, that the Township hereby appoints and employs **BRANDON LEE CONLEY** (hereinafter referred to as the "Employee") as a **full-time fire fighter** for the Berlin Township Fire Department, subject to the following terms and conditions of employment. The base pay **\$41,836** with effective date to be determined by the Fire Chief pending the results of an OP&F medical exam not prior to **May 5, 2019**. The township Fiscal Officer shall be notified of the effective hire date once determined.

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

Hall said they had about 150 residents at the Easter egg hunt and it was over in 10 minutes.

**Road Department –**

**2019 Road Improvements** – Riedel said work has started on the Piatt Road extension north of Cheshire Road. He said they opened the bids for the 2019 Road Improvement Program and The Shelly Company was the lowest bidder. They are working through the individual contracts for each of the townships. Some of the prices were higher than they thought in their estimate but the overall project came in close to our engineer’s estimate for the entire county and township project as a whole. The work planned for Berlin Township roads was higher so you need to decide to go ahead and do all the work or remove one of the roads. Riedel said the contracts would be coming soon. He gave an update on the Piatt Road widening and stated they hired a consultant for the engineering plans. Bullard asked if we were still in line to apply for an OPWC grant in 2020. Riedel suggested they wait until 2021 as they still need to acquire road-right-of-way and move utilities.

**Trustee Items –**

**Capital Energy** – Covered during public comment.

**Developer’s Agreement** – Riedel said as part of the planned development they were required to either provide fair share contribution that can be used for Piatt Road widening or construction of a turn lane into their facility. When we have a project that is in the works it is easier to have them donate to the project as opposed to doing the work themselves. Their recommendation would be to accept this and use the money for the project. We would rather use the money for the project than to add a turn lane. We have made it clear to them that we may or may not add a turn lane. Bullard said Fowler suggested that we wait to sign the agreement until later because an interested party was going to be supplying the money and he wanted to get that straighten out. Riedel said that is fine because the temple was not able to post the bond at this time.

**MOU** – Rob Platte Economic Development said their office is working with the Delaware County Finance Authority to get a master plan together putting zoning and incentives in place for the 36/37 corridor. They have reached out to property owners in the area and had a meeting where 80 residents attended. Fowler has put together a resolution and an MOU for the trustees. O'Brien said he is recusing himself from the western portion of the plan. D'Amico would recuse himself from the eastern portion. Trustee D'Amico recused himself and left the meeting at 8:02 p.m.

**RESOLUTION  
19-04-23**

**RESOLUTION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DELAWARE COUNTY COMMISSIONERS, THE DELAWARE COUNTY FINANCE AUTHORITY, AND VARIOUS PROPERTY OWNERS ALONG US36/SR37 IN BERLIN TOWNSHIP**

The Board of Trustees, Berlin Township, Delaware County, Ohio (the “Board”) met in a regular meeting on April 22, 2019 at 3271 Cheshire Road, Delaware, Ohio with the following members present:

Ken O'Brien

Ron Bullard

Trustee Bullard moved the following:

**WHEREAS:** the Board has received a proposal from the Delaware County Economic Development Office for an economic development project, known as a “DelCo Ready Program” project and tentatively named the Berlin Business Park (the “Project”); and

**WHEREAS:** the Project consists of approximately 1,000 to 2,000 acres along the north and south sides of US36/SR37, west of IR71, proposed to be developed as a Master Planned Commercial and Industrial Park; and

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**WHEREAS:** the Board supports the responsible, sustainable, and appropriate development of land within Berlin Township that helps facilitate economic development and redevelopment, creates or preserves jobs and employment opportunities, and that improves the economic welfare of Berlin Township, Delaware County, and the State of Ohio; and

**WHEREAS:** the Board desires to enter into a non-binding Memorandum of Understanding (the “MOU”) with the Delaware County Commissioners, the Delaware County Finance Authority, and various property owners within the area of the Project, establishing, among other things, the scope and contributions of potential partnerships that could facilitate the Project; and

**WHEREAS:** the Board recognizes and acknowledges that subsequent agreements will need to be negotiated and executed in order for the Project to proceed beyond this initial non-binding MOU.

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**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES, BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO, THAT THE FOLLOWING RESOLUTION BE AND IT HEREBY IS ADOPTED:**

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**Section 1.** The Board authorizes Ron Bullard to execute multiple MOUs, all in the same form as the attached “Exhibit A”, with the Delaware County Commissioners, the Delaware County Finance Authority, and multiple land owners within the identified “Berlin Business Park” area along US36/SR37.

**Section 2.** The approval of this resolution applies solely and specifically to the areas marked in blue (also referred to as the eastern section) on the exhibit to the MOU, said exhibit denoted as “Exhibit A To Memorandum of Understanding (Berlin Business Park) Approved 4-22-19”.

**Section 3.** This Board finds and determines that all formal actions of this Board concerning and related to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, §121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

**Section 4.** This Resolution shall take effect at the earliest time provided by law.

Trustee O’Brien seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

YEAS: Ken O’Brien; Ron Bullard NAYS:

The motion carried and the Resolution was adopted.

Attest: \_\_\_\_\_  
Claudia Smith, Fiscal Officer

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

Trustee D’Amico returned to the meeting and Trustee O’Brien recused himself and left the meeting room at 8:11 p.m.

**RESOLUTION  
19-04-24**      **RESOLUTION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DELAWARE COUNTY COMMISSIONERS, THE DELAWARE COUNTY FINANCE AUTHORITY, AND VARIOUS PROPERTY OWNERS ALONG US36/SR37 IN BERLIN TOWNSHIP**

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Tom D’Amico Ron Bullard

Trustee Bullard moved the following:

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**WHEREAS:** the Project consists of approximately 1,000 to 2,000 acres along the north and south sides of US36/SR37, west of IR71, proposed to be developed as a Master Planned Commercial and Industrial Park; and

**WHEREAS:** the Board supports the responsible, sustainable, and appropriate development of land within Berlin Township that helps facilitate economic development and redevelopment, creates or preserves jobs and employment opportunities, and that improves the economic welfare of Berlin Township, Delaware County, and the State of Ohio; and

**WHEREAS:** the Board desires to enter into a non-binding Memorandum of Understanding (the “MOU”) with the Delaware County Commissioners, the Delaware County Finance Authority, and various property owners within the area of the Project, establishing, among other things, the scope and contributions of potential partnerships that could facilitate the Project; and

**WHEREAS:** the Board recognizes and acknowledges that subsequent agreements will need to be negotiated and executed in order for the Project to proceed beyond this initial non-binding MOU.

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**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES, BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO, THAT THE FOLLOWING RESOLUTION BE AND IT HEREBY IS ADOPTED:**

---

**Section 1.** The Board authorizes Ron Bullard to execute multiple MOUs, all in the same form as the attached “Exhibit A”, with the Delaware County Commissioners, the Delaware County Finance Authority, and multiple land owners within the identified “Berlin Business Park” area along US36/SR37.

**Section 2.** The approval of this resolution applies solely and specifically to the areas marked in red (also referred to as the western section) on the exhibit to the MOU, said exhibit denoted as “Exhibit A To Memorandum of Understanding (Berlin Business Park) Approved 4-22-19”.

**Section 3.** This Board finds and determines that all formal actions of this Board concerning and related to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, §121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

**Section 4.** This Resolution shall take effect at the earliest time provided by law.

Trustee D’Amico seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

YEAS: Tom D’Amico; Ron Bullard NAYS:

The motion carried and the Resolution was adopted.

Attest: \_\_\_\_\_  
Claudia Smith, Fiscal Officer

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Motion: Bullard  
Second: D’Amico  
Vote: Bullard yes and D’Amico yes

O’Brien returned to the meeting at 8:13 p.m.

**Zoning Department –**

**Westport Homes Plan Review** – Molly Gwin attorney for the applicant Westport Homes said the applicant was here to present as to whether it would be a major or minor modification for the plan. They feel it should be a minor modification. She detailed what was being changed and stated where modifications are requested, it is because the ROW required for the Piatt Rd. extension and the Cheshire Rd. railroad crossing were not included in the existing zoning. The Applicant has consulted with the Delaware County Engineer’s Office regarding ROW acquisition and access points to the site, and the County agrees with the proposed modifications. The Applicant has also consulted with the Delaware County Regional Planning Commission to determine the correct open space calculation, given the existence of the power lines on the site. She also detailed what was being kept the same. O’Brien said there are many changes to the plan so he feels it is a major modification and since they do not have the exact application in front of them, it is hard to say what they are approving. Gwin said there is no difference in the coverage, no difference in the setbacks and no difference in the amount of lots. They provided a map that showed the old plan with red lines showing the new plan. Bullard said he feels that it is a major change also, and would like the zoning commission look at it. O’Brien said they want usable green space and when they become retention ponds, they cannot really be used.

**RESOLUTION 19-04-25 APPROVE DECLARING PIATT PRESERVE EAST AND WEST PLAN AS A MAJOR ZONING CHANGE**

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

**Future Meetings –**

- 5/13/19 Trustee Meeting
- 5/28/19 Trustee Meeting
- 6/10/19 Trustee Meeting
- 7/8/19 Trustee Meeting

**Late Items** – O’Brien will check into carpeting for the hall.

**Cemetery Rules & Ossuarium Pricing Continued**– Smith said we still did not have the rules from Fowler. D’Amico discussed charging a lower price for the common area and O’Brien said he was not concerned with the pricing as with experience we can always change it. Smith said she received a letter from the Ohio Department of Commerce asking for copies of our cemetery rules by July 19, 2019, so we need to get them approved.

**RESOLUTION 19-04-26 RECESS AND SUSPEND MEETING UNTIL WEDNESDAY MAY 1, 2019 AT 5:00 P.M.**

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

Meeting recessed by Chairman O’Brien at 9:34 P.M.