

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.                      Trustee Meeting                      March 12,                      18**

**HELD AT:** Berlin Township House, 3271 Cheshire Rd., Delaware, OH

**CALL TO ORDER:** Ron Bullard, Trustee Chairman

**PLEDGE OF ALLEGIANCE:** Steve Flaherty led the Pledge of Allegiance

**ROLL CALL:** Ron Bullard, Ken O’Brien, Tom D’Amico and Claudia Smith, Fiscal Officer.

**ATTENDANCE:** Robert Yaptangco, Mark Fowler, Barb Sherman, Joe & Toni Korleski, Larry Buell, Bob & Amy Arnold, Joe Pichert, Steve Flaherty, David Harris, Cathy Rippel and Chris Paykoff

**PUBLIC COMMENT:** Bullard asked if there was any public comment an hearing none they moved to the next item on the agenda.

**Approval of Minutes –**

**RESOLUTION                      APPROVE THE 2/26/2018 REGULAR MEETING  
18-03-04                      MINUTES AND DISPENSE WITH THE READING**

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

**OLD BUSINESS –**

**Fairview Cemetery** – Bullard said they had asked the prosecutor’s office if there was a way for the township to pay the bills and get the cemetery and asked if the piece of property on the backside sold if we could get access to Connor Lane. Robert Yaptangco with the prosecutor’s office said we could acquire it in advance or purchase it. The township is the receiver’s last resort, so if the receiver cannot find anyone to buy it the township would acquire it. He review all the options with the trustees and told them that if they choose to purchase the piece of property or acquire an easement they would need to get outside council as it would be a conflict of interest for them to help the township with it since the prosecutor’s office hired the receiver. Fowler said the receiver could grant an easement so they could negotiate that with him. Fowler suggested they talk directly with the receiver. After a lengthy discussion, they decided they should talk to the staff attorney Anna Francischelli. Flaherty said he had a good relationship with the receiver, so he could call him, as the township consultant, and ask about the easement.

**Mowing & Chemical Application Bids** – Bullard said we received the bid packet for the mowing and chemical application for the cemeteries and firehouse from the prosecutors.

**RESOLUTION                      APPROVE ACCEPTING & AUTHORIZING 2018 REQUEST  
18-03-05                      FOR BID BY THE BERLIN TOWNSHIP BOARD OF TRUSTEES,  
DELAWARE COUNTY, OHIO FOR MOWING, TRIMMING, AND  
FERTILIZING OF BERLIN TOWNSHIP CEMETERIES AND FIRE  
STATION AS PROVDIED BY THE PROSECUTOR’S OFFICE**

Motion: Bullard  
Second: O’Brien  
Discussion: O’Brien asked if we needed it reworded as it makes it sound like you are doing the fire station and not all the land around it. Bullard said they do not do up around the fire station as the fire department does everything from the back top in. O’Brien asked if payment was coming out of the general fund and Smith said it was.  
Vote: Bullard yes, O’Brien yes and D’Amico yes

**RESOLUTION                      APPROVE ADVERTISING IN THE DELAWARE GAZETTE THE  
18-03-06                      LEGAL NOTICE FOR THE 2018 REQUEST FOR BID BY THE  
BERLIN TOWNSHIP BOARD OF TRUSTEES, DELAWARE COUNTY,  
OHIO FOR MOWING, TRIMMING, AND FERTILIZING OF BERLIN  
TOWNSHIP CEMETERIES AND FIRE STATION AS PROVDIED BY  
THE PROSECUTOR’S OFFICE**

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting March 12, 18**

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

**The Greenery Extension Request** – Bullard said we received a letter requesting an extension to their plan and there was a question as to whether this should be done by the BZC or the trustees. He asked Fowler to explain. Fowler said the zoning resolution was ambiguous as it gave authority to both the trustees and the zoning commission. Any ambiguity in the zoning resolution is interpreted in favor of the applicant. He believes his opinion was that they get to decide who they want to hear it. Rippel said Fowlers opinion was that it go to the BZC as he has already done his preliminary, he has been rezoned and been to the trustees, he is just been asking for an extension. Smith gave Fowler the zoning code, he said there is ambiguity there, and it needs to be made clear, as it could go either way and to avoid a court case he would fix it. Korleski said they were going to.

Bullard said we are looking at putting a bed tax in place and asked the prosecutor if they could work on that.

**VOS & Alpha Dog Invoice** – David Harris with Alpha Dog was there to explain what is going on with the website. Bullard said we received an invoice and we were concerned that we were not done with the initial work that was contracted. Harris said it was an estimate for ongoing maintenance. He said everything from their standpoint, has been completed. The links that were broken have been identified and fixed. Rippel said when her hard drive crashed she lost all the minutes from 2017. Smith said she had them on her computer and could send them to her. O'Brien had questions about the estimate and asked that Harris get us a contract that they can approve.

**10 Hour Day Holiday Pay, Road Department Pay Range Rates** – Bullard asked to have these put on the agenda for the April 9, 2018 meeting.

**Benefits for Part-time Employees** – D'Amico said we received a request to provide part-time employees with benefits and we have never done that before. Bullard said his feeling is that they pay more for part-time employees and when someone asks to take time off we allow them too. Paykoff said he was one of the ones that was about this asked about this and he was not asking for paid benefits but he wants to be able to accrue sick and vacation days so if he wants to take time off he would be allowed to do that without someone saying he has to be here his days. He would like to be guaranteed that if he does not come in on Monday, Tuesday, Wednesday, when he comes in on the following Monday someone does not say, you did not come in last week so you are gone. D'Amico said we would have to deal with it on a case-by-case basis and O'Brien said he was not opposed to it and felt time off due to an injury or illness was covered by the Family Medical Leave Act.

**Multi-Family Zoning Fees** –D'Amico said he and Heid are still working on this and was waiting to see how other townships handle it.

**Rules for Township Vehicles** – Bullard said he would review what we have and report back and said it could be taken off the agenda until then.

**Spring Newsletter –**

**RESOLUTION 18-03-07 APPROVE AND UP TO \$2,000 FOR PRINTING AND DISTRIBUTION OF SPRING NEWSLETTER**

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

**Comprehensive Plan Updates** – Smith said they need to decide if the BZC would be paid to work on the comp plan. D'Amico asked if we wanted to pay them for working outside of a normal meeting. O'Brien said he would be okay paying those on the commission but then you might have people that volunteer and will want to be paid and he does not want to go there. Smith said we would have to hire them for them to be paid. D'Amico said as long as they discuss it at a meeting, they would be paid for it. He said only board members would be paid not any volunteers.

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

**March 12,**

**18**

**FISCAL OFFICER ITEMS** – February bank statement and electronic payments list signed.

**Nominations for District 17 Integrating Member** – Bullard said this is a committee that makes decisions on OPWC grants.

**RESOLUTION 18-03-08 APPROVE NOMINATING RON BULLARD TO DISTRICT 17 INTERGRATING COMMITTEE MEMBERS OF THE OHIO PUBLIC WORKS COMMISSION**

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

**CEMETERY** – Buell asked if they received a new bid on the landscaping. He said we have to get this done before May 1<sup>st</sup> as we need to set the foundation for when the ossuarium comes. Bullard said we need the foundation design and where it is going to be located and the landscaping can be done around that. Buell said we need the landscaping plan so we know where it is going to go. Flaherty said we have the overall picture of the greenspace and we have the foundation plans. We have to hire a contractor to pour the foundation but to Buell's point you cannot have a contractor come out and stick it anywhere because it has to adhere to the plan. He said you need to get the landscaper involved and have them update their pricing and have them come out and mark the ground of where they see things going. When the ossuarium arrives they are responsible for the install we are responsible for having a crane present to pull it off the truck. They have a local contractor that will install it onto the preapproved foundation that day which was part of the purchase price. Buell said we are putting the foundation in ourselves. D'Amico said he would start making phone calls to get things going. Flaherty said he can keep going with this right where he left off but he is not doing anything unless he is authorized by the board. D'Amico said he is happy with that as day time stuff is hard for him to do. D'Amico said yes they authorize Flaherty to continue and coordinate with D'Amico, Buell and the road department.

**FIRE DEPARTMENT – Requisitions –**

**RESOLUTION 18-03-09 APPROVE \$7,440 TO SERVPRO OF DELAWARE OHIO FOR ATTIC MOLD MITIGATION AND INSULATION**

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

**ISO Letter** – Assistant Fire Chief Pichert explained that Insurance Services audited them and based upon the audit it lowered their public protection classification, which should allow Berlin Township property owners to receive lower insurance rates.

**ROAD DEPARTMENT** – Nothing

O'Brien said we did not authorize him at the last meeting to apply for the block grants.

**RESOLUTION 18-03-10 APPROVE NAME & AUTHORIZE RON BULLARD TO APPLY FOR RLF FUNDS AND CGDB FUNDS FROM DELAWARE COUNTY AND AUTHORIZE RON BULLARD TO AUTHORIZE NOT TO EXCEED \$100,000 IN MATCHING FUNDS**

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

**Painting Quote** – D'Amico said he say the painting quote and then started looking around and he would like to get new lighting fixtures before we paint. He also would like to get three quotes for each. Flaherty told them what he had found when he looked into it. Bullard said Bob Arnold has shown an interest in painting, and is an employee of the township, so this is another option.

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting March 12, 18**

**TRUSTEE ITEMS** – Bullard gave an update on the OPEC insurance lawsuit.

**ZONING DEPARTMENT –  
February Zoning Report –**

**The Greenery Extension –**

**RESOLUTION 18-03-11 APPROVE REMOVING THE GREENERY EXTENSION REQUEST OFF THE MARCH 26, 2018 MEETING AGENDA**

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

**FUTURE MEETINGS -**

4/2/18 Spring Roads Meeting  
4/9/18 Trustee Meeting  
4/18/18 MORPC State of the Central Ohio Region  
4/23/18 Trustee Meeting  
5/5/18 Township Clean Up Day

**LATE ITEMS** – D’Amico said at the OTARMA conference there was a booth for Fun Flicks where they do outdoor movies and Orange Township does it so he thought it might be a good thing to do at the fire station. Pichert said the problem is parking and restrooms.

**RESOLUTION 18-03-12 RECESS AND CONTINUE MEETING UNTIL MARCH 19, 2018 AT 6:00 P.M. AT 3271 CHESHIRE ROAD IN THE TRUSTEE OFFICE**

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

Meeting recessed by Chairman Bullard at 9:52 P.M.

Chairman Bullard said he would like to resume the meeting from March 12, 2018 and continue said meeting at 6:00 p.m. March 19, 2018.

**ROLL CALL:** Ron Bullard, Ken O’Brien, Tom D’Amico and Claudia Smith, Fiscal Officer. Amy Arnold, Clerk to Fiscal Officer

**RESOLUTION 18-03-17 RECESS TO EXECUTIVE SESSION FOR THE PURPOSE OF PURCHASE OF PROPERTY - THREE TRUSTEES AND FISCAL OFFICER TO ATTEND-6:01 P.M.**

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

**RESOLUTION 18-03-18 MOTION TO RETURN TO REGULAR SESSION AT 6:37 P.M.**

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

Bullard said we meet in executive session to discuss the procurement of property in relationship to Fairview Cemetery and no decisions were made, no actions were taken.

**RESOLUTION 18-03-19 SECTION 1: APPROVE THE DELAWARE COUNTY PROSECUTOR REPRESENT THE BERLIN TOWNSHIP TRUSTEES ON THE MATTER OF FAIRVIEW CEMETERY. THE BOARD OF TRUSTEES REQUESTS THE PROSECUTOR’S STRIVE TO KEEP THE CEMETERY WHOLE AND NOT SOLD IN PIECES; IF UNABLE TO KEEP THE CEMETERY WHOLE, THAT THE PROSECUTOR PROCURE RIGHT-**

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting March 12, 18**

**OF-WAY THROUGH THE PROPERTY SOLD THAT MATCHES THE MOU THAT WAS AMONG THE PROPERTY OWNER, THE COUNTY, THE TOWNSHIP AND ODOT, AT NO COST TO THE TOWNSHIP.**

**SECTION 2: THE BOARD OF TRUSTEES DIRECTS TRUSTEE KEN O'BRIEN TO EXECUTE ANY DOCUMENTS NECESSARY TO EXECUTE PROCUREMENT OF THE LAND.**

**SECTION 3: THE BOARD OF TRUSTEES DIRECTS THE FISCAL OFFICER TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE COUNTY PROSECUTOR'S OFFICE.**

Motion: Bullard  
Second: D'Amico  
Discussion: Bullard said we did not authorize any money so any procurement of it is going to require further action by the board.  
Vote: O'Brien yes, D'Amico yes and Bullard yes

**LATE ITEMS** – Bullard said we receive a bill from Jefferson Health Plan for 20% of the run-out estimate, which we covered last year for \$12,313, but we did not cover the cost for the Jefferson Health plan fixed administrative costs.

**RESOLUTION 18-03-20 APPROVE NOT TO EXCEED \$6,000 FOR JEFFERSON HEALTH PLAN TO ADMINISTER THE HEALTH INSURANCE EXPENSES, PAYMENT PAYABLE TO U.S. BANK INSTITUTIONAL CUSTODY SERVICES, CUSTODY CONTACT DAVE MAZELLA**

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

**RESOLUTION 18-03-21 APPROVE NOT TO EXCEED \$6,000 FOR JEFFERSON HEALTH PLAN TO ADMINISTER THE HEALTH INSURANCE EXPENSES PAYMENT REMITTED TO U.S. BANK INSTITUTIONAL CUSTODY SERVICES, CUSTODY CONTACT DAVE MAZELLA**

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

Bullard said he talked to the board of elections regarding the Savko referendum and was told that there were two things that they sent for clarification. One was the content of the application and then there was the naming on the application. The naming on the application went to the Supreme Court who said to put it on the ballot. The secretary has not made a decision on the content of the application. O'Brien said if they put it on the ballot he understands that they would seal it and they could take forever in the court case, when it is not decided if it is on the ballot or not they rush to make a decision.

D'Amico said they received an email from Homewood and understands that Heid was advised to recuse himself from certain actions regarding this builder by the prosecutor. Bullard said sewer lines are going across his property. D'Amico said he would contact Homewood and then use Ray Armstrong to make zoning inspector decisions on this case.

**RESOLUTION 18-03-22 APPROVE PROVIDING TOM D'AMICO THE AUTHORITY OF HIRING RAY ARMSTRONG AS ZONING INSPECTOR AT THE DECLARED ZONING INSPECTOR 2018 RATE FOR THE SINGLE PROPOSE OF HANDLING THE HOWARD FARMS ZONING CASE DUE TO CHET HEID'S RECUSAL OF SAME AND HIRING DATE TO BE DETERMINED BY TOM D'AMICO AND UNTIL THE PROCESS IS COMPLETE**

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

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

**March 12, 18**

O'Brien said he came down Curve Road today and they put in a drive and asked Bullard to check with the county regarding the stones. D'Amico said there is a temporary plate in the road also where there was a dip.

Smith said the leader of the Girl Scout Troop where we did not refund the full amount due to damages made by command strips came in and said that the marks on the walls have been there for four years. She knows this because they are the ones that made them and said she paid for it at that time. And the damages have not been fixed yet. Smith said she did not recall holding a check back. Bullard said we may have charged her for the rent because we didn't always give a full refund. Arnold said she has been cleaning the hall for four years and she washes the walls weekly and knows the Girl Scouts did them. O'Brien asked if these are the ones that actually pay nothing and Smith said yes and he said he was opposed to that and feels everyone should be charged the same. No decision was made.

**RESOLUTION                      MOTION TO ADJOURN  
18-03-23**

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

Meeting recessed by Chairman Bullard at 7:15 P.M.

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Ron Bullard, Trustee

ATTEST:

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Ken O'Brien, Trustee

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Claudia Smith, Fiscal Officer

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Tom D'Amico, Trustee