

BERLIN TOWNSHIP TRUSTEES

4:30 p.m. End of Year Regular Meeting December 27, 18

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

CALL TO ORDER: Ron Bullard Trustee Chairman

PLEDGE OF ALLEGIANCE: Joe Pichert led The Pledge of Allegiance

ROLL CALL: Ron Bullard, Ken O'Brien absent, Tom D'Amico and Claudia Smith, Fiscal Officer

ATTENDANCE: Joe Pichert and Craig Hall

PUBLIC COMMENT: Bullard asked if there were any. Hearing none, they moved to the next item on the agenda.

RESOLUTION 18-12-05 APPROVE THE 12/10/2018 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

**FISCAL OFFICE:
Careworks Renewal –**

RESOLUTION 18-12-06 APPROVE \$1,109 TO CAREWORKS FOR 2019 WORKERS COMPENSATION RENEWAL

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

OTARMA Renewal – Smith said she received the OTARMA renewal and asked if they wanted to increase anything. They did not.

RESOLUTION 18-12-07 APPROVE \$35,152 TO OTARMA FOR RENEWAL OF ANNUAL 2019 INSURANCE CONTRACT

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

Purchase Orders to be Carry Over – Smith asked if they wanted to carryover the purchase order for StewCare for snow plowing and Bullard said to keep it open.

Set hearing Date for BZC 18-002 –

RESOLUTION 18-12-08 APPROVE ACCEPTING THE APPLICATION FILE BZC 18-002 FROM THE BZC

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

RESOLUTION 18-12-09 APPROVE SETTING HEARING DATE FOR BZC 18-002 TO JANUARY 14, 2019 AT 7:15 P.M. TIME CERTAIN

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

Temporary Appropriations –

RESOLUTION ADOPT TEMPORARY APPROPRIATIONS FOR 2019 BASED ON

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18-12-10 2018 OFFICIAL ESTIMATED CERTIFICATE OF RESOURCES

1000 General Fund	\$500,000.00
2011 Motor Vehicle License Tax Fund	\$ 21,000.00
2021 Gasoline Tax Fund	\$ 11,000.00
2041 Cemetery Fund	\$ 80,000.00
2042 SPRBA	\$ 20,000.00
2111 Fire Fund	\$620,000.00
2181 Zoning Fund	\$400,000.00
2231 Motor Vehicle Permissive License Tax Fund	<u>\$ 20,000.00</u>

Total TEMPORARY APPROPRIATIONS \$1,672,000.00

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

Mowing RFB – Bullard said we received the RFB from Fowler and they reviewed it and

RESOLUTION 18-12-11 APPROVE AND ADVERTISE AND DISTRIBUTE THE 2019 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 PROVIDED BY THE PROSECUTOR’S OFFICE IN IT’S ENTIRETY ALONG WITH THE DATES AND MODIFICATIONS ADDED DURING THE MEETING

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

RESOLUTION 18-12-12 APPROVE TRUSTEE BULLARD BE CONTACT PERSON FOR THE 2019 MOWING RFB AS WELL AS BE THE TRUSTEE AUTHORIZED TO OPEN THE BIDS AT 10:00 A.M. JANUARY 25, 2019 AS WELL AS ANYTHING NECESSARY TO GET IT TO THE TRUSTEES

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

Rumpke Contract - Bullard said this is not a three-year contract, as long as they are doing their job they keep it.

RESOLUTION 18-12-13 APPROVE CONTRACT WITH RUMPKE FOR RESIDENTIAL REFUSE AND GARBAGE COLLECTION WITH RECYCLING AS PROVIDED BY THE DELAWARE COUNTY PROSECUTOR AND COLLECTIVELY SHOULD BE APPROVED BY ALL THREE TOWNSHIPS, WITH A PICKUP RATE OF \$18.95 AND START DATE TO BE FEBRUARY 1, 2019

This Contract (“Contract”) is executed this 27th day of December, 2018, by and between the Berkshire Township Board of Trustees, Berlin Township Board of Trustees, and Delaware Township Board of Trustees, Delaware County, Ohio (collectively “Boards”), whose principal places of business are located at the following locations:

Berkshire Township Board of Trustees
Berkshire Township Hall
1454 Rome Corners Road
Galena, Ohio 43021

Berlin Township Board of Trustees
Berlin Township Hall
3271 Cheshire Rd.

Delaware Township Board of Trustees
Delaware Township Hall
2590 Liberty Rd.

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Delaware, Ohio 43015

Delaware, Ohio 43015

and Rumpke of Ohio, Inc., ("Contractor"), a corporation whose principal place of business is located at 10795 Hughes Road, Cincinnati, Ohio 45251 (individually "Party" and collectively "Parties.")

WHEREAS, the Boards are in need of services providing for the collection and delivery for processing or disposal of solid wastes and recyclable materials for residential users within the collective unincorporated areas of Berkshire Township, Berlin Township and Delaware Township, located in Delaware County, Ohio (collectively "Townships"); and,

WHEREAS, the Contractor submitted a bid to perform such Services, was the lowest and best bidder, was awarded this Contract, and agrees to perform the Services at the price bid; and,

WHEREAS, the Boards each approved Resolutions awarding the bid contract to Contractor; and,

WHEREAS, the Resolution approved the execution of this Contract by the Boards.

NOW THEREFORE, for good and valuable consideration and the mutual covenants, conditions, and promises contained herein, the Parties agree as set forth below:

DEFINITIONS:

All capitalized terms shall have the same meanings as those terms are defined in the Request for Bids (RFB).

PURPOSE OF CONTRACT:

The purpose of this Contract is to state the covenants and conditions under which the Contractor shall provide services for the collection and delivery for processing or disposal of solid wastes, recyclable materials, and yard wastes for residential users within the collective unincorporated areas of the Townships, in accordance with all the terms, conditions, specifications, and provisions of the following (collectively "Contract Documents"):

1. Legal Notice,
2. Joint Request for Bids (RFB) by the Boards for Residential Solid Waste, Recyclable Materials, and Yard Waste Collection and Delivery for Processing or Disposal for the Collective Unincorporated Areas of the Townships,
3. Contractor's Bid Proposal,
4. All documents and forms completed by the Contractor in accordance with the RFB and/or in submitting a bid.

SCOPE OF SERVICES:

In accordance with the award, the Contractor shall furnish all equipment, vehicles, labor, and materials necessary to provide unlimited curbside refuse and garbage collection, including yard waste and bulk materials, together with recycling services, to all single family and two-family dwelling structures within the unincorporated areas of the Townships and in accordance with Section 6.33 of the RFB on a regular weekly basis. Contractor shall also provide service to all Township-owned buildings, parks, and other public places free of charge.

The Contractor shall provide residential refuse and garbage collection with recycling in accordance with all the terms, conditions, specifications, and provisions of the Contract Documents.

COMPENSATION:

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In accordance with the RFB, the Contractor shall receive payment by directly billing residential units serviced within the Townships per the rates quoted on a quarterly basis, in advance. Upon request, a list of residential units serviced, with names and mailing addresses, will be provided by the Contractor to the Boards at the time of each billing. Billing rates and fees for Subscribers to be paid to the Contractor shall be as provided in the Contractor’s submitted Bid Proposal.

The Parties understand and agree that the total Contract price for Residential Refuse and Garbage Collection with Recycling shall be fixed.

DAMAGES IN THE EVENT OF BREACH:

In the event that the Contractor fails to fully meet and perform all the requirements and/or obligations imposed and required as part of this Contract, the Contractor shall pay damages to the Boards as compensation for such failure. Such damages shall be as provided in the RFB.

INSURANCE AND INDEMNIFICATION:

The Contractor hereby agrees to indemnify and hold free and harmless the Indemnified Parties as provided in the RFB. Throughout the life of the Contract, the Contractor also agrees to provide, carry and maintain such insurance as required by the RFB. The Contractor agrees to name the Boards as “Additional Insureds” on such policies of insurance and provide proof of such insurance to the Boards as required in the RFB.

INCORPORATION OF THE CONTRACT DOCUMENTS AND RESOLUTION:

The Contract Documents and Resolution in their entirety and all terms, provisions, and conditions contained therein are all by this reference hereby expressly understood and accepted by the Parties and are all in their entirety incorporated into and made a part of this Contract, with the exception of the terms in the “Exceptions” section below.

EXCEPTIONS TO RFB AND SUBMITTED BID DOCUMENTS:

The following terms shall be controlling between the parties, and to the extent these terms are different from or conflict with the RFB or the submitted bid documents, these terms shall control:

- Selected Bid Price – The Boards select Contractor’s primary bid price of \$18.95 per subscriber, per month.
- Service Start Date and Duration – Contractor shall begin services on February 1, 2019. The three year term of the contract shall begin on that date.
- Termination – Section 9.9A is amended to read: “Townships collectively retain the right to terminate this Agreement upon the breach of the Agreement, with sixty (60) days notice to the Contractor.
- Staging of Equipment – If permitted by an individual Board, Contractor may use township property to stage equipment before distribution to Subscribers. If Contractor uses township property for this purpose, Parties agree that the township and the Board shall have no obligation for the safekeeping of the equipment and no liability for any damage to equipment. The Parties further agree that any and all liability for damages or losses that may arise from the staging of equipment shall be the responsibility of the Contractor.

IN WITNESS WHEREOF, the Parties, by and through their respective and proper officers, have on behalf of themselves or those whom they represent, signed this Contract of their own free and voluntary will and agree to the Parties being bound thereby.

Motion: Bullard
Second: D’Amico

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Vote: Bullard yes and D’Amico

RESOLUTION 18-12-14 APPROVE ESTABLISHING TRUSTEE BULLARD AS CONTACT PERSON AND TRUSTEE REPRESENTATIVE FOR ANYTHING INVOLVED IN IMPLEMENTING AND INITIATING THE RUMPKE RESIDENTIAL REFUSE AND GARBAGE COLLECTION CONTRACT

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

Republic Contract –

RESOLUTION 18-12-15 APPROVE AMENDMENT TO CONTRACT FOR RESIDENTIAL REFUSE AND GARBAGE COLLECTION WITH RECYCLING WITH REPUBLIC SERVICES OF OHIO ESTABLISHING JANUARY 31, 2019 AS THE ENDING OF THE CURRENT CONTRACT

This Contract Amendment (“Amendment”), executed this 27th day of December, 2018, makes the following changes and additions to the terms and conditions of the Contract for Residential Refuse and Garbage Collection With Recycling (“Contract”) executed on the 16th day of November, 2015, by and between the Berlin Township Board of Trustees, Delaware County, Ohio, Berkshire Township Board of Trustees, Delaware County, Ohio, Delaware Township Board of Trustees, Delaware County, Ohio (collectively “Boards”), and Republic Services of Ohio Hauling, LLC (d/b/a Republic Services)(collectively “Parties”). These additions shall be made valid as if they are included in the original Contract.

WHEREAS, the Parties entered into the Contract for the collection and delivery for processing or disposal of solid wastes, recyclable materials, and yard wastes for residential users within the collective unincorporated areas of Berlin, Berkshire, and Delaware Townships; and,

WHEREAS, the Parties wish to extend the Contract for a definite period of time; and,

NOW THEREFORE, for good and valuable consideration and the mutual covenants, conditions, and promises contained herein, the Parties agree as set forth below:

EXTENSION OF CONTRACT:

Upon the execution of this Amendment to the Contract, the Parties mutually agree that the Contract will continue through January 31, 2019.

ADDITIONS TO RFB:

The following sections of the RFB are hereby amended to read as follows:

6.5.A. Extension

There shall be potential for an extension of the Contract for a period of time not greater than one (1) year, upon mutual agreement of the Parties.

INCORPORATION OF ALL CONTRACT DOCUMENTS:

The RFB and Appendices, the Contract Documents, and all Resolutions in their entirety and with all terms, provisions, and conditions contained therein are all by this reference hereby expressly understood and accepted by the Parties and are all in their entirety incorporated into and made a part of this Amendment.

IN WITNESS WHEREOF, the Parties, by and through their respective and proper officers,

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have on behalf of themselves or those whom they represent, signed this Contract of their own free and voluntary will and agree to the Parties being bound thereby.

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

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

RESOLUTION 18-12-16 APPROVE ESTABLISHING TRUSTEE BULLARD AS CONTACT PERSON AND TRUSTEE REPRESENTATIVE FOR ANYTHING INVOLVED IN COMPETING THE CONTRACT WITH REPUBLIC SERVICES

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

OLD BUSINESS: Nothing

CEMETERY – Nothing

**FIRE DEPARTMENT –
Hausfield Resignation –**

RESOLUTION 18-12-17 APPROVE ACCEPTING RESIGNATION FROM FIRE FIGHTER HAUSFIELD EFFECTIVE DECEMBER 30, 2018 AND DENY HIS REQUEST FOR WORKING PART TIME

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

ROAD DEPARTMENT: Nothing

TRUSTEE DEPARTMENT: Nothing

ZONING DEPARTMENT: Nothing

FUTURE MEETINGS:

1/14/19 Trustee Meeting
1/28/19 Trustee Meeting
1/30/19 – 2/2/19 OTA Conference

LATE ITEMS: None

RESOLUTION 18-12-18 MOTION TO ADJOURN

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

Meeting adjourned by Chairman Bullard at 5:52 p.m.

Ron Bullard, Trustee

ABSENT

Ken O’Brien, Trustee

ATTEST:

Claudia Smith, Fiscal Officer

Tom D’Amico, Trustee