

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting April 8, 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 Absent and Ron Bullard and Claudia Smith, Fiscal Officer.

**ATTENDANCE:** Dustin Kent, Gary Morrell, Ray Armstrong, Joe Pichert, Craig Hall, Pat Shroyer, Larry Buell, Chris Rinehart 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 19-04-01 APPROVE THE 3/25/2019 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Old Business – Cemetery Rules & Ossuarium Pricing** – Waiting on rules from the prosecutor's office.

**Employee Handbook Updates/Vacation Accrual** – Delay until D'Amico is here.

**Fairview Cemetery Updates** – O'Brien said Rinehart would be here later.

**The Cloud** – Bullard said he and Armstrong have met with Rob Riley and Scott Sanders and are working to get a draft together for potential cloud wording. They want to keep the restrictions of planned commercial and planned industrial and make sure they carry over to a cloud for 36/37. They are working on reducing the amount of NAICS codes that they would allow. They are looking at dividing it into two sections, one east of Big Run Road and one west of Big Run Road. The economic development people feel that we need the higher density housing to support it. O'Brien said he reviewed the MOU and there are two maps and he is in favor of the map that does not include his property and he would recuse himself. He noticed that the MOU is not split in half and he said it needs to be so they can vote on it as D'Amico's property touches the other half. O'Brien can't vote on the western half and D'Amico can't vote on the eastern half. Bullard said there will be a meeting at the township on April 18 with the landowners in the area, economic development people will be here as well as the county engineer and sewer and water. Armstrong will be here and someone from the BZC and he thinks a trustee or all three trustees should be here. Bullard said he plans to be there but feels all three should be there to show their support.

**Miller Landscaping Quote** – Smith gave them the revised quotes for the lighting and maintenance, which have been reduced. Bullard said he is okay with the lighting but he would like to look at the maintenance quote some more and talk to them about it. O'Brien is okay with the lighting.

**RESOLUTION 19-04-02 APPROVE \$1,624.24 TO MILLER LANDSCAPES OF WESTERVILLE LLC FOR INSTALLATION OF LED LIGHTING AT THE MEMORIAL GARDEN**

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

**Arch Wireless Stocks** – D'Amico was to work on this.

**Fiscal Officer Items** – Smith said there is a note indicating an inflating bank error of \$700,000. She sent a check to Star Ohio and it showed up there but it also showed up in

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the checking account when she balanced the checkbook. It has since been removed. Trustees signed the March Bank Statement and Electronic Payments report.

**Pontem Invoice –**

**RESOLUTION 19-04-03 APPROVE \$1,240 TO PONTEM SOFTWARE FOR ANNUAL SUPPORT/MAINTENANCE SUBSCRIPTION**

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

Bullard said he received a letter from the Department of Transportation stating our share of the gas tax for 2020 would be \$62,613.

**Cemetery –** Buell asked if they have made contact with the developer regarding the water problem at the back of the cemetery. Bullard said he has not but he will. He said once they get the streets in, it will go away. O'Brien has concerns of how they are going to grade it and Paykoff said the roads are higher than the cemetery.

**Fire Department –** O'Brien asked if there were any objections to doing the requisitions as they came in late. Bullard said no. Pichert thanked them allowing them to present them.

**RESOLUTION 19-04-04 APPROVE \$24,000 TO MOUNT CARMEL OCCUPATIONAL HEALTH FOR ANNUAL MEDICAL EXAMS & OP&F MEDICAL EXAMS**

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

**RESOLUTION 19-04-05 APPROVE \$2,745.60 TO EMERGENCY REPORTING FOR YEARLY SUBSCRIPTION FEE & FEE FOR VISION PROGRAM AND INSPECTOR APP**

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

**RESOLUTION 19-04-06 APPROVE \$13,536 TO PHOENIX SAFETY OUTFITTERS FOR FOUR SETS OF TURNOUT GEAR REPLACEMENT**

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

**RESOLUTION 19-04-07 APPROVE \$4,647.60 TO FIRE CATT LLC FOR FIRE HOSE AND GROUND LADDER TESTING**

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

**RESOLUTION 19-04-08 APPROVE \$7,200 TO EMBROIDERY WEARHOUSE FOR YEARLY UNIFORMS FOR FIREFIGHTERS**

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

**RESOLUTION 19-04-09 APPROVE \$3,556.80 TO CREWSENSE FOR PRO PLAN SOFTWARE AND SUPPORT**

Motion: O'Brien  
Second: Bullard

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Vote: O'Brien yes and Bullard yes

O'Brien said he has a problem with the contract with Cummins for the maintenance of the generator as they have an indemnity clause, which is against the law. He said if Pichert can get the prosecutor to sign off on it, he does not have a problem with it.

**Road Department** – Bullard said he did not have anything. O'Brien said there was a pothole on Piatt Road and someone put a glove in it. There are also two big ones on Curve Road between the railroad tracks. Paykoff said they are aware of them and they are on the list to do.

**Trustee Items** – Bullard said Fowler sent them an update on the 2012 resolution regarding indigent burials that they need to look at and discuss at the next meeting.

**Zoning Department** –  
Monthly Zoning Report –

O'Brien said he received from Fowler a recommendation based on the letter he gave him to refund the amount of \$4,600 for the 23 acres that has been removed from the Longhill LLC zoning application.

**RESOLUTION 19-04-10 APPROVE A REIMBURSEMENT OF \$4,600 TO LONGHILL LIMITED PARTNERSHIP II FOR 23 ACRES THAT HAS BEEN REMOVED FROM THE ZONING APPLICATION, AS RECOMMENDED BY THE PROSECUTORS OFFICE**

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

O'Brien said there is a meeting Thursday regarding the vacation of Township Road 123A. Bullard will try to attend.

**Future Meetings** –

4/13/19 Easter Egg Hunt                      5/13/19 Trustee Meeting  
4/22/19 Trustee Meeting                      5/27/19 Trustee Meeting

**Late Items** –

**RESOLUTION 19-04-11 RECESS TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING ORC 121.22 G3, PENDING OR IMMINENT COURT ACTION-THREE TRUSTEES, FISCAL OFFICER AND CHRIS RINEHART, ATTORNEY TO ATTEND-8:29 P.M.**

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

**RESOLUTION 19-04-12 MOTION TO RETURN TO REGULAR SESSION AT 9:04 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 gave everyone an update on Fairview Memorial and stated that the court split the property into two parcels, the front cemetery and the back 8 acres and transferred the cemetery to the township allowing the receiver to attempt to sell the back 8 acres. The court ordered the receiver to work with the township to transfer the cemetery to the township and to date he has not done that. We have filed a motion for reconsideration asking the court to reconsider their decision as it has always been treated as one partial.

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As of last Friday the court has not ruled. In order to protect the legal interest of the township he filed a notice of appeal with the 5<sup>th</sup> District Court of Appeals asking them to reverse the judge’s decision in respect to that second parcel. We are waiting to hear from the 5<sup>th</sup> District Court of Appeal. Bullard said at this point we do not own it and cannot do anything there. Rinehart said the receiver has requested that the township lease a part of the cemetery to the party that wants to purchase the 8 acres.

**RESOLUTION 19-04-13 APPROVE AUTHORIZING CHRIS RINEHART TO DISCUSS OPTIONS OF A SETTLEMENT WITH THE RECEIVER OF FAIRVIEW MEMORIAL**

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

**RESOLUTION 19-04-14 APPROVE AUTHORIZING CHRIS RINEHART TO ISSUE A RESPOND REJECTING THE RECEIVERS REQUEST TO LEASE A PORTION OF FAIRVIEW MEMORIAL**

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

Rinehart said that they cannot discuss something that they do not own.

**RESOLUTION 19-04-15 RECESS TO EXECUTIVE SESSION FOR THE PURPOSE OF EMPLOYEMENT OF A PUBLIC EMPLOYEE AND COMPENSATION OF A PUBLIC EMPLOYEE–THREE TRUSTEES, FIRE CHIEF, ASSISTANT FIRE CHIEF AND FISCAL OFFICER ATTEND- 9:14 P.M.**

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

**RESOLUTION 19-04-16 MOTION TO RETURN TO REGULAR SESSION AT 8:50 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.”

**RESOLUTION 19-04-17 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 MICAH ADAM SWANSON

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(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 **April 20, 2019**. The township Fiscal Officer shall be notified of the effective hire date once determined.

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

**RESOLUTION MOTION TO ADJOURN  
19-04-18**

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

Meeting adjourned by Chairman O'Brien at 9:31 P.M.

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Ken O'Brien, Trustee

**ABSENT**  
\_\_\_\_\_  
Tom D'Amico, Trustee

ATTEST:

\_\_\_\_\_  
Claudia Smith, Fiscal Officer

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Ron Bullard, Trustee