

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting March 11, 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:** Tim Foor, Stacy Foor, Steve Foor, Ann Gandee, Connie Fathbruckner, Nancy Griffith, Barbara Sherman, Ken Bird, Diana Jones, Ray Armstrong, Paul O'Bryan, Dustin Kent, Craig Hall, Larry Buell, John Wicks, Chris Paykoff, David Riepenhoff and J Tincher

**PUBLIC COMMENT:** O'Brien asked if there were any public comments. Tim Foor said he was there representing Fairview Memorial Park and wanted to thank the trustees for stepping in and helping with the situation and they see how well the Cheshire Cemetery is taken care of and have hope that Fairview will be taken care of the same way.

**RESOLUTION 19-03-01 APPROVE THE 2/25/2019 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Old Business -**

**Cemetery Rules & Ossuarium Pricing -** D'Amico asked if we could do this later in the meeting.

**Sign for Cheshire Village -** D'Amico said he talked to the county engineer's office and at first they said no but then they changed their mind and by the end of March there will be a couple of signs up.

**Fiscal Officer Items -**

Trustees signed the February 2019 bank statement and electronic payment list.

**2017-2018 Audit -** Smith said the audit is complete and it was good.

Smith said she had the OTARMA Cyber Risk person come in and gave some suggestions on things we may want to adopt. She said he asked for a mapping of their system which is something that they had asked ComputerSmith for and never got. Smith said she asked them for it again and they told her they would charge her for it so she checked her records and found an invoice where they had paid for it years ago. She also questioned an invoice that the risk consultant said they had items on it that we were not using anymore and she asked them about that. They said Smith was supposed to check it. Smith said they hired ComputerSmith to do their computers and felt that they knew we were not using these items and should have taken them off our bill. She is not pleased with them and may bring a recommendation to the trustee to switch to another company after she hears back from OTARMA.

**Fire Department -** O'Brien said we received an email from the prosecutor an the idea is to waive the current test for hiring fulltime fireman.

**RESOLUTION 19-03-02 APPROVE DISPENSING WITH THE FULLTIME FIRE FIGHTER TEST CURRENTLY BEING USED**

Motion: O'Brien  
Second: D'Amico  
Discussion: Bullard said this does not inhibit the fire department to come up with another test. Do we want to make sure that we have the right name on it? O'Brien said that is why he said in the motion the current test.  
Vote: O'Brien yes, D'Amico yes and Bullard yes

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting March 11, 19**

Chief Hall said they received a letter from a resident thanking them for saving her house on Berlin Station Road. They were assisted by Tri Township, Delaware City, BST & G and Orange Township. School buses had to be rerouted as it was at 6:00 a.m.

**Road Department** – Nothing

**Trustee Items** – Nothing

**Zoning Department** –

**Monthly Zoning Report** – Bullard said home sales were holding steady or going up.

**Future Meetings** –

- 3/14/19 Health District Meeting
- 3/25/19 Trustee Meeting
- 4/8/19 Spring Roads Meeting & Trustee Meeting
- 4/13/19 Easter Egg Hunt
- 4/22/19 Trustee Meeting
- 5/13/19 Trustee Meeting
- 5/27/19 Trustee Meeting

**Late Items** –

D’Amico said he spoke with Bob Lamb and they would like to come to our March 25, 2019 meeting. They decided to put it on the agenda for 7:45 p.m. time certain.

**Cemetery Rules & Ossuarium Pricing** – They discussed the issues Buell has with the new rules regarding satin bags, the amount of urns the township would provide with each niche, the size of urns allowed if they are not using urns provided by the township, the amount of niches the township would allow one person to purchase and stipulating the font size on the memory band.

O’Brien called back to order BZC case 18-001 at 8:00 p.m. John Wicks said they had some points of discussion at the last hearing on February 25, 2019 and since that hearing, he worked with Prosecutor, Mark Fowler to outline the items the board wanted to see. They prepared a document that was to be added to the application. After reviewing the list O’Brien asked that a few changes be made to the document. Wicks made the changes and initialed the document.

**RESOLUTION 19-03-03 APPROVE EXHIBITS 9-18 FOR BZC CASE 18-001, VILLAS OF OLD HARBOR**

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

**RESOLUTION 19-03-04 APPROVE BZC’S RECOMMENDATION FOR APPROVAL AND APPROVE THE ZONING CHANGE FOR BZC CASE 18-001, VILLAS OF OLD HARBOR AND EXHIBITS THROUGH 18**

Motion: O’Brien  
Second: Bullard  
Vote: D’Amico no, Bullard yes and O’Brien yes

**Employee Handbook Updates** – Attorney David Riepenhoff was here to discuss the employee handbook. They discussed the items that Smith had questions regarding probationary periods for all employees, vacation rates for employees, as currently the fire department’s accumulation rates are different from the other employees. They also discussed how vacation is distributed as the handbook states vacation is given in January and Smith said she gives it to them on their anniversary date. If she gives it to them in January people will be getting it before their anniversary date and therefore could use it before they are entitled to it. O’Brien said if she gives it to them in January and they take it and then don’t stay until their anniversary date they would have to pay it back. Smith said it may be easier to accrue it and give it to them every payday. Smith said currently she gives an employee their vacation time in October and per the handbook they are to use it by the end of the year which she does not feel is right. O’Brien said they need to use it by the end

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting March 11, 19**

of the year because if they are allowed to accrue it when they quit they could take off six months. Smith said if they continue to give it annually this rule needs to be changed. Smith is to determine which way she would like to compute vacation time, annually or bi-weekly. Smith also questioned the vacation leave is to be used in four hour increments as she is sure they have approved less. They changed that to one hour. Smith said the sick leave accumulation limit is 480 hours for employees but the fire department says they accumulate an unlimited amount of sick time. O'Brien said they changed that. O'Brien said the handbook would supersede any SOG's. O'Brien asked if the road superintendent's statutory duties are not listed in the job description does that take away what he can do. Riepenhoff said you can add duties over and above the statutory duties. If you want to make it clear to the employee that they are to perform all the statutory duties plus, then you want to specifically reference those statutory duties in the job description. Riepenhoff said the SOG's should be the technical aspect of the firefighters jobs and the handbook should handle the employment policies.

**Fairview Cemetery Updates –**

**RESOLUTION 19-03-05 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-9:25 P.M.**

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

**RESOLUTION 19-03-06 MOTION TO RETURN TO REGULAR SESSION AT 10:00 P.M**

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

O'Brien said they meet in executive session to discuss pending or imminent litigation and no decisions were made.

Rinehart gave an update to the audience regarding Fairview Cemetery and said that it was going to be turned over to the trustees but has not been yet. He will be contacting the receiver to start the transition. Rinehart said he would like to have an announcement when this happens. O'Brien asked Bullard to get a quote on the mowing.

**RESOLUTION 19-03-07 APPROVE \$5,000 TO RINEHART LEGAL SERVICES LTD FOR ATTORNEY FEES AND COURT COSTS**

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

**RESOLUTION 19-03-08 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman O'Brien at 10:46 P.M.

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Ken O'Brien, Trustee

ATTEST:

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Tom D'Amico, Trustee

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

**March 11,**

**19**

Claudia Smith, Fiscal Officer

Ron Bullard, Trustee