

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting May 13, 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:** Ray Armstrong, Tim Carr, Larry Buell, Michael Roddy, Jen Steele, Jesse Downey, Kim Trackler, Michael Hasson, Rachel Zuesi, Lori McCoy, Chuck Bare, and Chris Paykoff

**PUBLIC COMMENT:** O'Brien said residents have called about a cell tower going into the area and Bullard has done some research and asked if anyone wanted to make a comment. Jennifer Steele, Kim Trackler, Rachel Zuesi, Jesse Downey and Michael Roddy voiced their concerns. Bullard said the townships have no say in where cell towers are located when being placed in commercial districts. The zoning inspector would have determined that there was nothing that we can do to stop it. Bullard explained the fall radius and that any homeowner within the fall radius would have a say since it could fall on their property. The residents complained that they were never made aware of it and should have been told about it a year ago when the zoning inspector was notified which would have given them time to do something.

**RESOLUTION 19-05-01 APPROVE THE 4/22/2019 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

Motion: Bullard  
Second: D'Amico  
Discussion: O'Brien asked if they included all the continued dates and Smith said yes.  
Vote: O'Brien yes, D'Amico yes and Bullard yes

**Old Business – Cemetery Rules & Ossuarium Pricing –** D'Amico asked if we could hold off on this to later in the meeting.

**Employee Handbook Updates/Vacation Accrual –** O'Brien said he spoke with the attorney who is going to research somethings and they decided to have him come to the May 28th meeting at 8:00 p.m. time certain.

**Fairview Cemetery Updates –** O'Brien said there was nothing new but it is a mess as the grass is not being mowed and people are getting stuck on the driveway. D'Amico asked if we could get a court order to have it maintained. O'Brien will ask our attorney and report back.

**The Cloud –** Armstrong said he has been working with Scott Sanders and will be making a presentation at the zoning commission meeting Tuesday. O'Brien said the economic development direct came to them with a map and asked if the zoning commission was contemplating allowing people to opt in or that is on the border. Because there are some people that want in and some that don't want in. Bullard said this has not been taken to the zoning commission yet for any decisions to be made. Armstrong said there was going to be a lot of discussion on this. O'Brien said if the commission needs to meet more often he is okay with them having more meetings.

**Landscaping Maintenance Quote –** Bullard said the road department was working on putting the mulch down.

**Cummins Generator Requisition –** Carr said they he thought they crossed out the indemnity clause and they sent it back a new contract with it removed. He will check and get Smith a copy.

**Vacation of Road –** Bullard said the road has been vacated.

**Developer's Agreement –** Still nothing from Fowler. O'Brien will call him.

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting May 13, 19**

**Indigent Burial** – Bullard said we have a draft resolution from the prosecutor and he thinks we should adopt it, as it is an update to a prior resolution. He said this agreement allows us to bury or cremate a body, the existing resolution allows for cremation only.

**RESOLUTION 19-05-02 APPROVE & AUTHORIZE TRUSTEE BULLARD TO FILL OUT THE MODEL POLICY FOR DEFINING INDIGENT FOR PURPOSES OF BURIALS AT TOWNSHIPS EXPENSE AND BRING FINAL COPY FOR ACTION**

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

**Cemetery –**

D'Amico said Fowler thinks the rules are done but he thinks there are still items that need to be looked at. D'Amico said he would work with Buell on it. Buell said he is disappointed that it has not been resolved yet as he has people that want to buy in the ossuarium. He also stated that there is a stone in the old township cemetery that has been repaired a few times and needs to be replaced. he would like to order a new stone with just the name and date of birth and death. He received quotes and Jahn Monument's was the cheapest.

**RESOLUTION 19-05-03 APPROVE UPTO \$400 TO JAHN MONUMENTS FOR REPLACEMENT OF BROKEN HEADSTONE IN THE CEMETERY**

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

Buell also said the battery on his laptop was not working. Smith said she could order one if she knew the model number. He also said ComputerSmith updated the Pontem but it still was not working so he was going to take to them.

**Fiscal Officer Items –**

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

**Permissive Tax** – O'Brien said he has been working with Fowler on this and he still does not have anything.

**Fire Department –  
Temporary Appointment Position –**

**RESOLUTION 19-05-04 ACCEPT RESIGNATION FROM FULL-TIME FIRE CAPTAIN MARK CAREY & PAY ALL COMP TIME PER LETTER DATED APRIL 28, 2019**

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

**RESOLUTION 19-05-05 APPROVE A TEMPORARY APPOINTMENT FOR FIRE CAPTAIN FOR THE BERLIN TOWNSHIP FIRE DEPARTMENT AND ESTABLISHING THE TERMS CONDITIONS OF SUCH EMPLOYMENT**

PREAMBLE

WHEREAS, the Board of Trustees of Berlin Township, Delaware County, Ohio (the "Township") desires to appoint an individual for a temporary position as a Fire Captain 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 Fire Captain, 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;

Hourly Rate: \$16.96, FLSA Rate: \$8.48, Overtime Rate: \$25.44, Holiday Rate: \$25.44

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting May 13, 19**

**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 Malachi Swanson (hereinafter referred to as the "Employee") as a Fire Captain for the Berlin Township Fire Department, in a temporary assignment subject to the following terms and conditions of employment; Fire Captain job description and Section 2.12 of the Township Employee Handbook with an effective start date June 3, 2019. This appointment will end at the appointment of a full-tie captain and shall not exceed one hundred and twenty calendar days (October 1, 2019) without review and renewal by the board.

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

**Road Department –  
2019 Road Improvement Contract -**

**RESOLUTION 19-05-06 APPROVE THE 2019 ROAD IMPROVEMENT CONTRACT BETWEEN BERLIN TOWNSHIP TRUSTEES AND THE SHELLY COMPANY IN THE AMOUNT OF \$143,586.48**

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

**2019 Crack Sealing -**

**RESOLUTION 19-05-07 APPROVE \$23,572.50 TO J & A CONSTRUCTION INC FOR CRACK SEALING OF 3 B'S & K ROAD, HOLLENBACK ROAD AND SHANAHAN ROAD**

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

**Trustee Items –**

**Solicitation Hours and Registration** – Bullard said we had some solicitors come to the zoning office and ask about soliciting in the township. He said we had a no solicitation policy but state law changed and our old rules do not apply. We have a new policy but need the registration forms for them to complete. Smith said the policy says they need to register and pay a \$150 fee. Bullard said we do not have the forms to do that part of it. He said also need to communicate to the HOA's of subdivisions to let them know they can do a no solicitation in their subdivisions. Homeowners can do it also by placing a sign at their driveways. O'Brien said we need to put that in the next newsletter and place it on the website. O'Brien said he will ask Fowler.

O'Brien asked if we want to check with an attorney that might be proactive in giving us advise on ways to mitigate annexation such as doing a JEDD Or TIFF?

**RESOLUTION 19-05-08 APPROVE UPTO \$3,000 FOR TRUSTEE O'BRIEN TO WORK WITH PETER GRIGGS LAW FIRM ON TIFF &/OR JEDD DISCUSSIONS**

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

**Zoning Department –**

**Monthly Zoning Report** – Bullard said there were 17 new home applications in April 2019.

Bullard said they received a request from John Wicks to write a letter for the benefit of the developers that want to develop on the east side of the road. They are concerned that the development would be considered as one development as it is on the east and west side of the road. The west side of the road has a pool and clubhouse and the desire of the

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting May 13, 19**

developers is to split it and have a HOA for the east and one for the west. Bullard said there should have been plans for two developments. Armstrong asked if they are splitting it into two and the density was configured for the entire project is someone going to refigure what that amounts to on both sides, you have now totaled modified it. O'Brien said they should ask us whether it is a major or minor change.

**RESOLUTION 19-05-09 APPROVE TRUSTEE BULLARD WRITE A LETTER ON TOWNSHIP LETTERHEAD TO JOHN WICKS PER HIS REQUEST REGARDING THE OLD HARBOR CONDOMINIUM DEVELOPMENT**

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

**Late Items -**

D'Amico asked if anyone called the news lady back regarding Fairview. No one had and he asked if they could direct her to our attorney. Bullard said he has been directing calls to A.C. Strip.

Bullard said the lady wanted us to tell them whenever there was a cell tower or any legal activity that the zoning inspector signs off on, how do we handle that. D'Amico said if there is any indication that something is going on in the township that would raise a red flag we should be notified immediately. Bullard said that anything that comes into the zoning office has an impact on some neighbor. O'Brien said he is okay with putting stuff on the website but not on doing anything else.

**Future Meetings -**

- 5/28/19 Trustee Meeting
- 6/10/19 Trustee Meeting
- 7/8/19 Trustee Meeting
- 8/12/19 Fall Roads Meeting & Trustee Meeting

**RESOLUTION 19-05-10 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman O'Brien at 10:14 P.M.

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Ken O'Brien, Trustee

ATTEST: \_\_\_\_\_

Tom D'Amico, Trustee

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Claudia Smith, Fiscal Officer

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Ron Bullard, Trustee