

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting January 27, 20**

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

**CALL TO ORDER:** Tom D’Amico, Trustee Chairman

**PLEDGE OF ALLEGIANCE:** Barb Sherman led the Pledge of Allegiance

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

**ATTENDANCE:** Megan Rahill, Barbara Sherman, Joe Pichert, Dustin Kent, Doug Buchanan, Chris Paykoff, Todd Faris, Joe Thomas, Tony Eyeraman and Dan Griffin

**RESOLUTION 20-01-58 APPROVE THE 1/13/20 MEETING MINUTES AND DISPENSE WITH THE READING**

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

Dustin Kent from the Delaware County Health Department stated they are working on verbiage for no smoking in open public areas. D’Amico and Bullard asked Kent for information on the Coronavirus. Kent feels the chance of getting the Flu is greater than contracting the Coronavirus at this point.

**Old Business- Employee Handbook-** Nothing new.

**Fairview Cemetery-** Nothing new.

**Fiscal Officer Items- Approve 2020 1<sup>ST</sup> Amended Certificate of Estimated Resources -**

**RESOLUTION 20-01-59 APPROVE 2020 FIRST AMENDED CERTIFICATE OF ESTIMATED RESOURCES AND APPROVE PERMANENT APPROPRIATIONS NOT TO EXCEED \$9,557,658.99**

**1<sup>ST</sup> AMENDED CERTIFICATE OF ESTIMATED RESOURCES**

1000 General Fund	\$3,641,730.74
2011 Motor Vehicle License Tax Fund	\$ 40,243.62
2021 Gasoline Tax Fund	\$ 170,655.69
2041 Cemetery Fund	\$ 147,174.64
2042 SPRBA	\$ 20,603.36
2111 Fire Fund	\$4,352,010.27
2181 Zoning Fund	\$ 710,081.71
2231 Motor Vehicle Permissive License Tax Fund	\$ 89,605.68
3101 General (Note) Hollenback Rd	\$ 9,057.30
3102 General (Note) Piatt Rd	\$ 1,669.70
4303 Capital Project - Park	\$ 2,255.88
4401 Public Works Commission Project	\$ 62,570.40
4901 Capital Project – Fire	\$ 310,000.00
<b>Total First Amended Certificate</b>	<b>\$9,557,658.99</b>

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

**Cemetery-** D’Amico stated he had talked with Miller Landscaping and they confirmed they have replaced the dead trees in the cemetery.

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**Fire Department-** Pichert stated the Fire Departments preliminary run stats were 463 calls for service and Medic 10 had 521 calls for service totaling 984. Pichert stated their annual report will be done by the end of February. D’Amico asked how those numbers are in relation to the last few years. Pichert stated each year is increasing.

**Accent Phone Discussion-** Doug Buchanan from Accent Communication Services informed the trustees that Estech Systems, Inc. (ESI) had chose to end their business relationship with Accent and revoke Accent’s authorized reseller status as of December 31<sup>st</sup> 2019. Due to ESI’s decision, Accent is no longer able to provide any warranty or maintenance services of any kind to ESI customers, which Berlin Township is. Accent’s support agreement for the ESI system will end April 28<sup>th</sup> 2020 with the township.

Buchanan stated that Accent is recommending their clients that had the ESI system go to a cloud system or replace that system. Buchanan proposed a cloud-based system as it has no equipment on site other than the phone itself, which is included in the proposal amount. Buchanan stated that Accent has installed this cloud-based system at the fire station. There are also training videos on how to use the phones online. Buchanan explained their techs implement and install the system themselves so if there are any technical or support issues it is at no additional cost, therefore no service agreement is necessary. O’Brien questioned what would happen if the electricity went out. Buchanan explained there is a mobile app that can be downloaded to cell phones so if the app is up it will ring through to your cell phone. Also, it can be set up to where calls can be forwarded to a voicemail, which will in turn be forwarded to your email in the event of the electricity going down. O’Brien explained the problem with using a cell phone and emails is that they are public records and are subject to being subpoenaed. O’Brien stated the voicemails/emails would need to be stored pursuant to the records retention schedule. Buchanan explained the proposal and its figures. The trustees will make a decision by the February 10<sup>th</sup> meeting.

**Road Department-**

**Mileage Certification-** Bullard will check with Irwin to make sure the mileage amounts are correct and that all miles are included. Bullard will get back with info by the next meeting.

O’Brien left the meeting at 8:02 p.m.

**\*\*\*\*\*8:00 P.M. TIME CERTAIN\*\*\*\*\*BZC 19-001 & 19-002, PEACHBLOW LAND II LCC, KENNEY ASSET MANAGEMENT LLC, BERLIN MEADOWS\*\*\*\*\***

The applicant requests that the hearing be put on hold for two weeks due to negotiations with MI Homes that are still going on. Bullard would like to hear answers to packet of questions the trustees have come up with for each new housing hearing. D’Amico asked those questions be incorporated for the next hearing date.

Hearing recessed at 8:07 p.m.

**RESOLUTION APPROVE TO TABLE BZC 19-001 AND BZC 19-002 TO FEBRUARY 20-01-60 10<sup>TH</sup> AT 8:00 P.M. PER APPLICANTS REQUEST**

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

O’Brien returned to the meeting at 8:17 p.m.

**Road Department Cont’d-**

**Intergovernmental Cooperative Agreement for Shared Services- Automotive Mechanic-** Smith explained Orange Township has a mechanic that Berlin Township has used a few times to work on the fire trucks. Irwin has started using him to work on some of the road trucks. The Intergovernmental Cooperative Agreement for Shared Services needs to be signed. O’Brien wants to make sure the rate cannot be increased without notification. Bullard will check with Orange Township and our attorney Chris Ballard to verify the agreement.

D’Amico asked if we had received any applications for snow plow drivers. Bullard stated we had received two, one that looks promising.

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**RESOLUTION 20-01-61 APPROVAL TO AUTHORIZE BULLARD TO HIRE A PART-TIME SNOW PLOW DRIVER UPON SUCCESSFUL INTERVIEW AND ANY OTHER REQUIREMENTS THAT WILL BE NEEDED, AT THE RATE OF PAY AUTHORIZED IN THE ORGANIZATIONAL MEETING, THIS AUTHORIZATION WILL EXPIRE MARCH 1<sup>ST</sup> 2020**

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

**Trustee Items-**

**Meeting Time Change-** Trustees discussed changing the time of regular meetings to begin at 6:00 p.m. instead of 7:00 p.m.

**RESOLUTION 20-01-62 APPROVE TO CHANGE REGULAR MEETING TIME FROM 7:00 P.M. TO 6:00 P.M. EFFECTIVE MARCH 9<sup>TH</sup> 2020 AT 6:00 P.M.**

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

Discussion: O'Brien stated he wants Jennifer Walraven and the Delaware Gazette to be notified so they can advertise the new time.

**\*\*\*\*\*8:30 P.M. TIME CERTAIN\*\*\*\*\*BZC 19-007 ROSS ESTATES\*\*\*\*\***

Tony Eyerman presented proposals with changes per trustee's request:

January 27, 2020 (revised)

The following items were raised by the Berlin Township Trustees at the January 16, 2020 meeting. The list of discussion items and the Applicant's response to each item are as follows:

1. "Snout" houses are defined as houses that include front-load garages where the front of the garage projects towards the street beyond the front limits of the front porch roof. Snout houses are not permitted. – **We agree. See the amended Section 11.08 N) following Item 4 for our response.**
2. Page 8 – no PVC and no polymer products are permitted in structure facades. – **We agree. See the amended Section 11.08 N) following Item 4 for our response.**
3. There shall be no more than 6 homes in a row (along the same side of the street) that contain front-load garages. – **We agree. See the amended Section 11.08 N) following Item 4 for our response.**
4. Garage doors shall compliment the residence. – **We agree. See the amended Section 11.08 N) following Item 4 for our response.**

Section 11.08 N.) The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. All residential roofs must be a minimum of 5:12 pitch, or as approved by plan. Permanently sited manufactured housing must have a minimum pitch of 3:12.

***Architectural standards are included in this Development Text. Final architectural plans and landscape plans for each individual lot shall be submitted with the zoning permit application, to the Berlin Township Zoning Office for review and approval.***

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Please refer to the following Architectural Standards.

**Residential Units:** Homes shall be high-quality architectural character and style. Homes will be one-story, one and one half-story and two-story structures. No residential structure shall exceed 35' in height. Chimneys, towers, and steeples shall comply with Section 11.08 Y).

**Single-family Residential Sizes:**

One-story residences:	1,800 s.f (min.)
One and one half-story residences:	1,950 s.f. (min.)
Two-story residences:	2,100 s.f. (min.)

**Exterior Finishes:** Exterior finish materials (cladding and trim) of homes shall include brick, stone, manufactured stone, stucco, wood, engineered wood, fiber-cement, and composite materials. Vinyl siding is not permitted. Aluminum wrap on the fascia and gables, only, is permitted; the color of the wrap shall match the trim color.

Names of the manufacturers of several of these finish materials include, but are not limited to, James Hardie, LP Smart Siding, AZEK, Certain Teed, and others.

**Exterior Colors:** Exterior colors of the residences shall compliment the adjacent residential community, Oldefield Estate, to the east across Piatt Road. These colors shall include only natural earth tones, grays and/or white.

High chroma and neon colors are not permitted. No more than 2 paint colors, with the use of a stone or brick, may be used on any individual residential unit. Garage doors shall be finished as a single color, within the 2-paint color restrictions, regardless if the garage is attached or detached.

**Garages/ Lot Parking Spaces:** Each residence shall provide a 2-car garage, minimally, for off-street parking. In addition, driveways shall be constructed to provide two (2) off-street, uncovered parking spaces.

Garage doors shall be paneled, with complimentary exterior hardware and shall be constructed of metal, wood or fiberglass. Windows in garage doors are permitted. Garage doors shall be of the same or a complimentary color to the primary structure.

25% of the total number of single family residences shall contain side load garages. There shall be no more than six (6) consecutive front-load garages/ houses adjacent to one another on the same side of any street.

Houses where the front-load garage projects toward the street beyond the roof of the front porch ("Snout Houses") are prohibited.

**House Design Diversity:** Homes shall be diverse in their designs, materials and colors. There shall be no exact repeat of a home, with the same materials and colors, within 3 lots in each direction, on each side of the street, of any other home.

**Residential Roof Pitches:** All residential roofs on the main portion of the residence shall be a minimum of 6:12 pitch. Secondary roofs, such as porches may be a minimum of 4:12 pitch.

**Residential Landscape Standards:** The Applicant shall submit a minimum lot landscape plan (typical plan) with the Final Development Plan. Every front yard shall have 2 trees minimum. All ornamental trees shall be a minimum of 5' ht. All

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**deciduous shade trees shall be a minimum of 2" caliper and 12' ht. Evergreen trees shall be a minimum of 6' ht. All yard areas, not paved, shall be grass. (Berlin Township Trustees Approval 1/27/2020).**

**Residential Setbacks: See Section 11.08 Q).**

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5. Between the Peachblow Road emergency access drive and the property limits along the rail corridor, and generally paralleling Peachblow Road, a sidewalk made of asphalt or concrete is required. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
6. A trail easement shall be required between lots from the western street to the railroad trail. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
7. An emergency vehicles access shall be provided from Peachblow Road to the railroad trail. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
8. All trails shall be accessible. The Piatt Road trail shall be eight feet (8') wide and shall be constructed of either asphalt or concrete. All other trails shall be a minimum of four feet (4') wide and may be constructed of either asphalt, concrete or compacted stone. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
9. Pg. 7 – There shall be an eight foot (8') wide multipurpose asphalt trail along the Piatt Road right-of-way. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
10. Trails shall be maintained by the HOA. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
11. Emergency access shall be gated. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
12. Site amenities shall be provided and constructed for each phase of development before the tenth (10<sup>th</sup>) house has begun construction in each phase. Amenities include:
  - Phase 1 – pond, fountain, play area and trails
  - Phase 2 – pond, fountain, play area and trails
  - Phase 3 – pond, fountain and trails– **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
13. The northern and southern play areas each shall contain play equipment that shall minimally contain a slide, a climbing apparatus, and a swing. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
14. The Preliminary Development Plan shall be the formal document to illustrate all trail and play area locations. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**
15. A mailbox cluster of kiosks shall be provided as an off-street amenity, located adjacent to the south play area, and shall include an off-street parking area. The off-street parking area shall be permitted as the required parking area for model homes. The HOA of the subdivision shall maintain the parking area and the mail kiosks. – **We agree. See the amended Section 11.08 K) And F) following Item 17 for our response.**

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16. Remove “aerator”. Fountains shall be of similar/ same **operable** height (min.) as Oldefield Estates. – We agree. See the amended Section 11.08 K) And F) following Item 17 for our response. **(Berlin Township Trustees Approval 1/27/2020).**
17. Landscape treatment at intersections with a pond, **including ponds along Peachblow Road and Piatt Road**, adjacent to the intersection shall minimally **along each right-of-way frontage** include a 3-rail fence, (3) 2” cal. trees @ 20’ spacing, 5 shrubs and a 3’
18. height mounding (assuming adequate space to fit mounding at a **2:1 slope on the road side of mounds**). – We agree. See the amended Section 11.08 K) And F) following Item 17 for our response. **(Berlin Township Trustees Approval 1/27/2020).**

Section 11.08 K.) The required percent of open space shall be provided. The percent of open space required varies according to the zoning district overlaid;

- 1.) FR-1: 40% (of gross tract area) open space
- 2.) R-2, R-3 and R-4: 20% (of gross tract area) open space

In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included. Unbuildable areas, (defined as jurisdictional wetlands, floodplains, slopes greater than 20%, utility rights-of-way and existing bodies of water) may count for up to 50% of the required open space. That portion of land dedicated to public purpose that remains either open and unbuilt upon by any structure (including parking) or which houses a recreational facility approved by the Zoning Commission on the Development Plan may count toward the open space requirement.

**Open Space: 8.55 ac. (Required – 20% Gross)**  
**13.67 ac. (Provided – 32% Gross)**

**The Preliminary Development Plan shall serve as the formal document that shows the character and configuration of the Ross Estates development including general layout of the lots, streets, trails, open space and amenities. The Preliminary Development Plan Text includes the sizes and standards of the Ross Estates development.**

**Trails**

**An eight foot (8’) wide multipurpose trail outside of the Piatt Road right-of-way shall be constructed by the Applicant or its assigns as part of this Ross Estates. This will connect to the Evans Farm bike trail and extend to Peachblow Road.**

**A four foot (4’) wide asphalt or concrete sidewalk shall be constructed by the Applicant or its assigns and shall meander but generally be located parallel with the Peachblow Road right-of-way, between the emergency access drive to within 50’ of the northwest property corner. An emergency access shall be provided from Peachblow Rd to the trail that generally parallels the railroad corridor.**

**An emergency access drive shall be installed by the Applicant between Peachblow Road and the northern public road of Ross Estates, located west of the existing residence, as shown on the Preliminary Development Plan. The emergency drive shall be a minimum of 8’ wide. An emergency access easement shall be provided to the Township. If the easement is vacated, the emergency drive shall then serve as a trail. The emergency access drive shall be constructed of compacted stone. The emergency access drive shall be maintained by the HOA. (Berlin Township Trustees Approval 1/27/2020).**

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**All trails, unless otherwise defined in this Section, shall be constructed of compacted ODOT 304 aggregate.**

**An easement between lots shall be provided for mid-block access to the western trail, that generally parallels the rail corridor, from the western public street. This easement shall be located within side yard easements near Lot # 64 on the Preliminary Development Plan.**

**The emergency access drive from Peachblow Road shall be gated or secured to prevent public vehicular use.**

**Open Space**

**Community children's play area will be installed in the southern and northern open spaces for the community. The children's play areas shall be fenced. Each children's play area shall minimally include a slide, a climbing feature and a swing.**

**Site amenities shall be provided and constructed for each phase of development before the tenth (10<sup>th</sup>) house has begun construction in each phase. Amenities shall include:**

**Phase 1 – pond, fountain, play area and trails**

**Phase 2 – pond, fountain, play area and trails**

**Phase 3 – pond, fountain and trails**

**All trails, open spaces and mail facilities shall be maintained by the Ross Estates HOA.**

**A mailbox kiosk cluster shall be provided as an off-street amenity, located adjacent to the south play area, and shall include an off-street parking area. The off-street parking area for the mailbox kiosks shall also be permitted as the required parking area for all model homes. The Ross Estates HOA shall maintain the parking area and the mail kiosks.**

**Water features and Landscape Treatment**

Section 11.08 F.) Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding of the proposed or existing houses;

The site for this Development Plan is currently in agricultural use. Storm water detention and retention are proposed to compliment the open space and residential community. See Tab 2, Landscape Plan for the overall planting scheme for the open space areas.

**Each pond shall include an operating fountain with a fountain spray height similar to the fountain heights at Oldefield Estates.**

***All headwalls (in-walls and end-walls) shall be faced with a stone treatment.***

**At the intersection of Peachblow Road and Piatt Road and the intersection of the entrance drive from Piatt Road, landscape treatment shall be provided that will promote the safety of vehicles near the ponds. The area at the intersection shall include landscape treatment that includes a 3-rail fence, (3) 2" cal. trees @ 20' spacing, 5 shrubs and a 3' height mounding (assuming adequate space to fit mounding at a 3:1 slope).**

19. The transfer of control of the HOA shall occur no later than the occurrence of 80% of the private ownership of the 71 single family lots. – **We agree. This transfer of control will**

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**be included in the Covenants and Deed Restrictions for the Home Owners' Association.**

20. Small farm animals shall be prohibited. **-We agree. Small farm animals will be prohibited in the Covenants and Deed Restrictions for the Home Owners' Association.**

21. There shall not be 2 intersections in the community with the same street names. **The Applicant shall submit street names to the County Engineer until the County Engineer approves said names which shall result in not having 2 intersections with the same street names.** – We agree. We will work with the Delaware County Engineer and Regional Planning Commission to name streets to prevent the occurrence of 2 intersections with the same street names. **(Berlin Township Trustees Approval 1/27/2020).**

END OF CONDITIONS

After a lengthy discussion, the trustees wanted a few issues addressed so Hearing for BZC 19-007 went into recess at 9:15 p.m.to give the applicant time to make these changes. D'Amico called the hearing back to order at 9:35. The underlined wording in the above document was changed/added.

Recess at 9:53 P.M. Return to meeting at 9:58 P.M.

**RESOLUTION 20-01-63 MOTION TO ACCEPT ALL EXHIBITS 1-16 FROM THE ZONING COMMISSION AND THE APPLICANT OF BZC 19-007, EVANS FARM LAND DEVELOPMENT COMPANY, KNOWN AS ROSS ESTATES, THE LATER EXHIBITS TO TAKE PRECEDENCE OVER ANY EARLIER EXHIBITS**

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

**RESOLUTION 20-01-64 MOTION TO ACCEPT THE APPLICATION BZC 19-007, EVANS FARM LAND DEVELOPMENT COMPANY KNOWN AS ROSS ESTATES AND APPROVING THE BZC RECOMMENDATION AS MODIFIED BY THE TRUSTEES WITH EXHIBITS 1-16, THE LATER EXHIBITS TO TAKE PRECEDENCE OVER ANY EARLIER EXHIBITS**

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

**RESOLUTION 20-01-65 MOTION TO REQUEST APPLICANT TO TYPE EXHIBIT 16 AND PROVIDE IT TO THE FISCAL OFFICER BY JANUARY 31<sup>ST</sup> 2020**

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

**Zoning Department-** Trustees have a checklist they would like the BZC to possibly use and address since the trustees do not get to see the final plans when they are submitted. Smith questioned who goes out to make sure these and other items are complied with. O'Brien stated it should be the zoning inspector.

**Public Comment-** Chris Paykoff stated that the headstones at the cemetery are getting hit by the mowers and a lot of time is being used to straighten them. D'Amico stated he would bring it to the attention of the mowers.

**Future Meetings-**  
2/06/20 Special Meeting  
2/10/20 Trustee Meeting



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3/09/20 Trustee Meeting

**Late Items-** D’Amico asked O’Brien to look at the census for the Berlin Township Boundaries. O’Brien will look at.

**Trustee Items Continued-**

**Township Administrator-** D’Amico stated he was thinking if a township administrator would benefit the township since it is growing at a rapid pace. Bullard stated he feels the township administrator would provide a certain amount of continuity in dealing with the different offices. It would come with more authority in dealing with other agencies within the county, with developers and others. Bullard feels it would be a part-time position, whereas a full-time person could wear two hats to fill the administrator position. O’Brien agrees with Bullard but feels it is critical to have the right person to fill the position. Bullard stated it would be imperative that the agencies be very comfortable and have a good working relationship with the person. Smith stated she feels it would take away what the trustees’ responsibilities are. D’Amico stated it is something for the trustees to think about.

**Executive Session-**

**RESOLUTION 20-01-66 RECESS TO EXECUTIVE SESSION FOR THE PURPOSE OF CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, COMPENSATION OF A PUBLIC EMPLOYEE–THREE TRUSTEES FISCAL OFFICER AND ASSISTANT FISCAL OFFICER TO ATTEND- 10:17 P.M.**

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

**RESOLUTION 20-01-67 MOTION TO RETURN TO REGULAR SESSION 10:27 P.M.**

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

D’Amico “We met in executive session and no decisions were made and no actions were taken”

**RESOLUTION 20-01-68 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman D’Amico at 10:31 P.M.

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Tom D’Amico, Trustee

ATTEST:

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Ron Bullard, Trustee

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Theresa Taylor, Assistant Fiscal Officer

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Ken O’Brien, Trustee