

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m.**

**Trustee Meeting May 11,**

**20**

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

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

**PLEDGE OF ALLEGIANCE:** Tom D’Amico led the Pledge of Allegiance

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

**ATTENDANCE:** Craig Hall

**Approval of Minutes-**

**RESOLUTION 20-05-06 APPROVE THE 04/27/20 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Old Business –**

**No Parking Resolution** - Bullard spoke with Riedel and he told him that it was up to each township as to whether they would want “No Parking” signs. After discussion, all trustees decided to keep the “No Parking” signs up.

**Piatt Road Expansion Project Updates** - D’Amico stated he had asked a few questions to the three different contractors and was told that some pricing would/may change from the original negotiation prices. D’Amico asked Bullard if the Temple located on the north part of Piatt still had money allocated to build a turn lane. Bullard said yes. D’Amico stated he will have to call the contractors and look into it more and will make a recommendation at the May 26<sup>th</sup> meeting. Bullard stated that Riedel and himself will have some form of a public meeting in 2-3 weeks for the owners of the properties affected.

**Collective Bargaining** - Will be addressed in Executive Session.

**\*\*\*\*\*6:15 P.M.TIME CERTAIN\*\*\*TOWNSHIP PERMISSIVE MOTOR VEHICLE LICENSE TAX HEARING**

**RESOLUTION 20-05-07 MOTION TO OPEN MEETING FOR A PERMISSIVE TAX HEARING**

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

Smith asked if there were 30 days for a referendum. O’Brien said yes. D’Amico asked if there were any public comments. There were none.

**RESOLUTION 20-05-08 APPROVE A RESOLUTION TO LEVY A TOWNSHIP PERMISSIVE MOTOR VEHICLE LICENSE TAX PURSUANT TO R.C 4504.81**

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in regular session on the 11th day of May 2020 with the following members present:

Tom D’Amico

Ron Bullard

Ken O’Brien

O’Brien Moved the adoption of the following Resolution:

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m.**

**Trustee Meeting May 11,**

**20**

**PREAMBLE**

**WHEREAS**, the Board is in need of additional revenue to meet and pay costs and expenses associated with the projects, purchases, and authorized purposes listed in R.C. § 4504.181 and as such statute and list may, from time to time, be amended, supplemented, and/or changed; and,

**WHEREAS**, R.C. § 4504.181 authorizes a board of township trustees to levy an annual license tax, in addition to the tax levied by R.C. §§ 4503.02, 4503.07, and any other tax levied under chapter 4504, upon the operation of motor vehicles on the public roads and highways in the unincorporated territory of the township; and,

**WHEREAS**, such tax shall be levied at the rate of five dollars and zero cents (\$5.00) per motor vehicle on all motor vehicles the owners of which reside in the unincorporated area of the township and shall be in addition to the taxes at the rates specified in R.C. §§ 4503.02, 4503.07, and any other tax levied under chapter 4504. The rate of tax is in addition to the tax rates prescribed in R.C. §§ 4503.04 and 4503.10, and is subject to reductions in the manner provided in R.C. § 4503.11 and the exemptions provided in R.C. §§ 4503.16, 4503.17, 4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4503.571; and,

**WHEREAS**, the Board, to satisfy the above specified need for additional revenue, desires to levy the annual license tax as authorized by R.C. § 4504.181 at the rate of five dollars and zero cents (\$5.00) per motor vehicle on all motor vehicles the owners of which reside in the registration district known as the unincorporated area of Berlin Township, Delaware County, Ohio (“Township”); and,

**WHEREAS**, prior to the adoption of this Resolution imposing such tax and in accordance with R.C. § 4504.181(B), the Board conducted two (2) public hearings on this Resolution and the annual license tax to be levied by this Resolution; the hearings being held on May 4, 2020 and May 11, 2020, the second hearing being not less than three (3) nor more than ten (10) days after the first. Notice of the date, time, and place of such hearings was published in the Delaware Gazette, a newspaper of general circulation in the Township, once a week on the same day of the week for two (2) consecutive weeks, the second publication being not less than ten (10) nor more than thirty (30) days prior to the first hearing.

**RESOLUTION**

**NOW THEREFORE, BE IT RESOLVED:**

1. Pursuant to R.C. § 4504.181, an annual license tax is levied upon the operation of motor vehicles on the public roads and highways in the registration district known as the unincorporated area of Berlin Township, Delaware County, Ohio.
2. Such tax shall be levied at the rate of five dollars and zero cents (\$5.00) per motor vehicle on all motor vehicles the owners of which reside in the registration district known as the unincorporated area of Berlin Township, Delaware County, Ohio.
3. The intent of this Resolution is to levy the full tax a township is allowed to annually levy under R.C. § 4504.181.
4. All revenues realized from the tax levied pursuant to this Resolution shall only be used to meet and pay costs and expenses associated with the projects, purchases, and authorized purposes listed in R.C. § 4504.181 and as such statute and list may, from time to time, be amended, supplemented, and/or changed.
5. All appropriate state, county, and local officials are authorized and shall enforce this Resolution.

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m.**

**Trustee Meeting May 11,**

**20**

- 6. The annual license tax enacted by this Resolution shall be effective and begin on January 1, 2021.
- 7. The Berlin Township Fiscal Officer is authorized and, pursuant to R.C. § 4504.08, shall certify and deliver a copy of this Resolution by hand or via certified U.S. Mail, to the Registrar of Motor Vehicles at the Ohio Bureau of Motor Vehicles on or before July 1, 2020 at the following address:  
  
Ms. Leora Knight  
Chief  
Tax Distribution  
Ohio Bureau of Motor Vehicles  
1970 West Broad Street, 5th Floor  
Columbus, Ohio 43223
- 8. This Resolution is subject to a referendum in the same manner, except as to the form of the petition, as provided in R.C. § 519.12(H) for a proposed amendment to a township zoning resolution. In addition, a petition shall be governed by the rules specified in R.C. § 3501.38.
- 9. The provisions of this Resolution are severable and independent, and if any such provision shall be unenforceable in whole or in part, the remaining provisions and any partially enforceable provisions, to the extent enforceable, shall nevertheless be binding and enforceable.
- 10. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
- 11. This Resolution shall become effective from and after the earliest period allowed by law, but no sooner than thirty (30) days following its adoption.
- 12. The annual license tax levied by this Resolution shall continue in effect until repealed.

Bullard seconded the motion.

Voted on and signed this 11th day of May 2020 in Berlin Township, Delaware County, Ohio.

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

\_\_\_\_\_  
Ken O'Brien  
Trustee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ron Bullard  
Trustee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tom D'Amico  
Trustee

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Claudia Smith  
Berlin Township Fiscal Officer

\_\_\_\_\_  
Date

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m.**

**Trustee Meeting May 11,**

**20**

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

**Fiscal Officer Items-**

**April Bank Statement and Electronic Payments** - The trustees signed the balanced April bank statement and electronic payments.

**Cemetery** - D'Amico stated that Pony Landscaping agreed to start mowing on Thursday's.

**Fire Department-**

**Remove FF Swanson from probation and move to Step 2 -**

**RESOLUTION 20-05-09 APPROVE ON THE RECOMMENDATION OF CHIEF HALL TO REMOVE FIREFIGHTER MICAH SWANSON FROM PROBATIONARY FIREFIGHTER STATUS (STEP 1) TO FULL-TIME FIREFIGHTER STATUS (STEP 2) EFFECTIVE MAY 10<sup>TH</sup>, 2020**

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

**Touch-A-Truck Event** - Chief Hall confirmed with the trustees that the Touch-A-Truck scheduled for August 8<sup>th</sup> will be cancelled.

**Road Department** - Nothing new.

**Trustee Items** - O'Brien stated that for the newsletter he would like each trustee to give him three ideas by August 15<sup>th</sup>, 2020. His goal is to have a rough draft by September 1<sup>st</sup>, 2020 and the final draft done by September 15<sup>th</sup>, 2020. He would then like it to be distributed to the residents by October 2020.

**Zoning Department-**

**April Zoning Report** - For the month of April 10 new homes have been built.

**Public Comment** - There were no public comments.

**Future Meetings -**

**05/26/20 Trustee Meeting**  
**06/08/20 Trustee Meeting**

**Late Items-**

**RESOLUTION 20-05-10 APPROVE THE 2020 ROAD IMPROVEMENT CONTRACT BETWEEN BERLIN TOWNSHIP TRUSTEES AND SHELLEY & SANDS INC. IN THE AMOUNT OF \$469,600.18.**

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

**RESOLUTION 20-05-11 APPROVE THE ESTIMATED COST OF \$10,759.90 FOR PLUNKETT ROAD AND \$2,915.47 FOR SWEENEY ROAD PLUS, A CONTINGENCY OF \$2,000.00**

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

**RESOLUTION 20-05-12 MOTION TO RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22(G)(4) FOR PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT-**

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m.**

**Trustee Meeting May 11,**

**20**

**THREE TRUSTEES, FISCAL OFFICER, ASSISTANT FISCAL OFFICER AND FIRE CHIEF CRAIG HALL TO ATTEND- 6:45 P.M.**

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

**RESOLUTION MOTION TO RETURN TO REGULAR SESSION- 7:17 P.M.  
20-05-13**

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

D'Amico "We met in executive session and no decisions were made, no actions were taken".

**RESOLUTION MOTION TO ADJOURN  
20-05-14**

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

Meeting adjourned by Chairman D'Amico at 7:20 P.M.

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

ATTEST:

\_\_\_\_\_  
Ron Bullard, Trustee

\_\_\_\_\_  
Theresa Taylor, Assistant Fiscal Officer

\_\_\_\_\_  
Ken O'Brien, Trustee