

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting August 10, 20

HELD AT: This meeting was held virtually through Zoom

CALL TO ORDER: Tom D’Amico, Trustee Chairman

PLEDGE OF ALLEGIANCE: Theresa Taylor led the Pledge of Allegiance

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

ATTENDANCE: Joe Pichert, James Brenza, Scott Belcastro and Chris Rinehart

**Approval of Minutes-
RESOLUTION APPROVE THE 06/29/20 SPECIAL MEETING MINUTES
20-08-10 AND DISPENSE WITH THE READING**

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

**RESOLUTION APPROVE THE 07/13/20 MEETING MINUTES AND DISPENSE
20-08-11 WITH THE READING**

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

**Old Business-
Energy Special Improvement District (ESID) - Nothing new.**

Piatt Road Widening Updates- O’Brien asked D’Amico if the appraisals were in line with what he expected. D’Amico said yes. D’Amico asked Bullard if the project was still projected to start in 2021. Bullard stated that the estimated start day is for July 2021.

Energy Update - Scott Belcastro asked the trustees what their thoughts were in regards to keeping the energy rate at a variable rate or changing it to a fixed rate. D’Amico asked Belcastro how many times they could make a change. Belcastro answered they could only move to a fixed rate one time and then it is locked in for the duration of the program which runs through February 2022. Belcastro suggested that he and the trustees come up with a trigger number for when to switch to a fixed rate, and give one trustee permission to sign the paperwork so that he does not have to wait for all three trustees to be together. Belcastro will have more information for the next meeting in September 2020.

**Fiscal Officer Items-
July Bank Reconciliation and Electronic Payments-** The trustees signed the July bank reconciliation and electronics payments.

Second Amended Certificate of Estimated Resources-

**RESOLUTION APPROVE 2020 SECOND AMENDED CERTIFICATE OF
20-08-12 ESTIMATED RESOURCES**

2ND 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

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4303 Capital Project - Park	\$ 2,255.88
4401 Public Works Commission Project	\$ 62,570.40
4901 Capital Project – Fire	<u>\$ 605,000.00</u>

Total First Amended Certificate \$9,852,658.99

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

Cemetery- O'Brien stated that the "NO PET" signs have been put up. D'Amico stated that he is going to check with Pony Landscaping for a quote to spray the pine trees for bagworms.

RESOLUTION 20-08-13 MOTION TO AUTHORIZE TRUSTEE TOM D'AMICO TO OVERSEE THE CONTRACT TO PONY LANDSCAPING TO SPRAY FOR INSECT DAMAGE TO THE PINE TREES AT THE FIRE STATION, BOTH CEMETERIES AND THE TOWNSHIP HALL UP TO \$5,000

Motion: Bullard
Second: D'Amico
Vote: D'Amico yes, Bullard yes and O'Brien yes
Discussion: O'Brien asked D'Amico to have the areas separated out so that they can charge the fire department and the cemetery for their amount.

Fire Department- Nothing new.

RESOLUTION 20-08-14 MOTION TO CANCEL THE 2020 OPEN HOUSE AT THE FIRE STATION

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

O'Brien asked Pichert to make this part of the fire department's story for the upcoming newsletter.

Road Department- Requisition- RESOLUTION 20-08-15 MOTION TO APPROVE REQUISITION #2008004 TO PARROTT IMPLEMENT COMPANY FOR THE AMOUNT OF \$2,686.66 FOR THE REPAIR OF THE JOHN DEERE 5425 TRACTOR

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

Hire Road Maintenance Worker- RESOLUTION 20-08-16 MOTION TO HIRE DOUG JOHNSON WITH A 6-MONTH PROBATIONARY PERIOD AT THE AMOUNT OF \$18.62 AN HOUR WITH A CONTIGENCY THAT ALL EMPLOYMENT DOCUMENTS GET TURNED INTO THE FISCAL OFFICE

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

Trustee Items- Newsletter- D'Amico asked O'Brien to send out reminders for the newsletter.

Tobacco Free Workplace Policy- O'Brien stated that the policy needs to be adopted at the next meeting in September.

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Zoning Department-

August Zoning Report- There were six new builds in the month of July. The YTD total is 65.

Sunbury Annexation-

RESOLUTION 20-08-17 APPROVE THE MOTION THAT CAME FROM CHRIS BALLARD IN REGARDS TO SUNBURY ANNEXATION AND ADOPT IT

Motion: O'Brien

Second: Bullard

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

BOARD OF TRUSTEES

BERLIN TOWNSHIP, DELAWARE COUNTY OHIO

DATE: August 10, 2020

RESOLUTION NO. 20-08-17

OBJECTION TO THE PROPOSED ANNEXATION OF 76.015 ACRES FROM BERLIN TOWNSHIP TO THE VILLAGE OF SUNBURY

The Board of Trustees of Berlin Township, Delaware County, Ohio ("Board") met in open session, pursuant to R.C. § 121.22, on the 10th day of August, 2020. The following members were present:

- 1. Trustee D'Amico
- 2. Trustee Bullard
- 3. Trustee O'Brien

Trustee O'Brien moved the adoption of the following resolution:

PREAMBLE

WHEREAS, the Fiscal Officer and the Board of Trustees of Berlin Township, Delaware County, Ohio ("Board") received notice that certain petitioners ("Petitioners") propose to annex 76.015 +/- acres of Berlin Township ("Township") land to the Village of Sunbury ("Village") pursuant to R.C. § 709.023 (See Exhibit A); and,

WHEREAS, the Petitioners filed a petition for annexation of such 76.015 +/- acres ("Petition") with the Board of County Commissioners, Delaware County, Ohio ("Commissioners") on July 29, 2020, (See Exhibit A); and,

WHEREAS, the proposed petition for annexation shall divide or segment the boundary line between the Township and the Village as to create a maintenance problem S 3'B's & K Road / Township Road 35; and,

WHEREAS, within twenty (20) days after the date the Petition was filed, the Sunbury Village Council ("Council"), pursuant to R.C. § 709.023(C), was required to adopt a resolution ("Resolution") that states what services the Village will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and, **WHEREAS**, on August 5, 2020, the Council adopted such a Resolution. The Resolution states with regards to "Streets & Roadways" that "maintenance will be available for additional right-of-way that may be included in this annexation request upon annexation." No agreement has been reached regarding maintenance of S 3'B's & K Road / Township Road 35; and,

WHEREAS, R.C. § 709.023(D) authorizes a township, based solely upon the petition's failure to meet the conditions specified in R.C. § 709.023(E), to adopt and file with the board of county commissioners a resolution objecting to the proposed annexation; and,

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WHEREAS, R.C. § 709.023(E)(7) requires as a condition that “If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this section, ‘street’ or ‘highway’ has the same meaning as in section 4511.01 of the Revised Code.”

RESOLUTION

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Board objects to the Petition based on the Petition’s failure to meet the condition specified in R.C. § 709.023(E)(7); namely that a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation so as to create a road maintenance problem.
2. The Board requests the County Commissioners review the petition pursuant to R.C. 709.023(E).
3. The Board would withdraw this objection if the Village of Sunbury agrees to assume the maintenance of S 3’B’s & K Road / Township Road 35 between US 36/37 and Sherman Road / Township Road 134, so as to correct the road maintenance problem created by the division or segmentation caused by the annexation.
4. The Board instructs that this Resolution be filed with the Commissioners on or before August 21, 2020.
5. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and 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.
6. This Resolution shall take effect immediately upon adoption.
- 7.

Trustee Bullard seconded the motion.

The roll was called on the question of adoption.

Voted on and adopted this 10 day of August 2020 in Berlin Township, Delaware County, Ohio.

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

Tom D’Amico
Trustee

Ken O’Brien
Trustee

Ronald Bullard
Trustee

Public Comment- There were no public comments.

Future Meetings-
8/12/20 Special Meeting
8/13/20 Special Meeting
8/20/20 Special Meeting

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9/14/20 Trustee Meeting

**Late Items-
RESOLUTION 20-08-18 MOTION TO AUTHORIZE TRUSTEE O'BRIEN TO SIGN THE AGREEMENT WITH ALBERS AND ALBERS FOR FURTHER DISCUSSION IN CREATION OF THE JEDD UP TO \$5,000**

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

RESOLUTION 20-08-19 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(3) FOR THE PURPOSE OF DISCUSSION OF LEGAL AND PENDING LITIGATION- THREE TRUSTEES, ASSISTANT FISCAL OFFICER AND CHRIS RINEHART TO ATTEND- 7:32 PM

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

RESOLUTION 20-08-20 MOTION TO RETURN TO REGULAR SESSION 7:53 PM

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

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

Rinehart stated that the receiver is prepared to transfer the Fairview Cemetery over to the township. Rinehart recommended that the township receive the entire property.

RESOLUTION 20-08-21 MOTION TO INSTRUCT CHRIS RINEHART TO CONVEY TO THE COURT THAT THE TOWNSHIP EXPECTS AND REQUESTS THAT THE ENTIRE CEMETERY BE TRANSFERRED OVER TO BERLIN TOWNSHIP PURSUANT TO THE COURTS ORDER

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

RESOLUTION 20-08-22 MOTION TO ADJOURN

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

Meeting adjourned by Chairman D'Amico at 8:00 P.M.

Tom D'Amico, Trustee

ATTEST:

Ron Bullard, Trustee

Theresa Taylor, Assistant Fiscal Officer

Ken O'Brien, Trustee