

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m. Trustee Meeting September 28, 20**

**HELD AT:** This meeting was held virtually by Zoom, Delaware, OH

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

**PLEDGE OF ALLEGIANCE:** Claudia Smith led the Pledge of Allegiance

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

**ATTENDANCE:** Christina Littleton, Meghan Raehl, Joe Thomas, Todd Faris, Clinton Lainge, Joe Pichert

**Approval of Minutes –**

**RESOLUTION 20-09-35 APPROVE THE 09/14/20 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING**

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

**RESOLUTION 20-09-36 APPROVE THE 09/16/20 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING**

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

**RESOLUTION 20-09-37 APPROVE THE 09/17/20 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Fiscal Officer Items -** Smith said she did not have anything

**Cemetery –** D’Amico said he talked to Tim Foor about being the cemetery sexton for Fairview Cemetery but he travels and is concerns about that but he is interested. O’Brien said the problem is we do not have anyone else that can fill in to tell us what is going on. Smith said we do not know how busy it is either. O’Brien said he needs to know when and where all the files are to be delivered, as it fills a van. He said none of it has been digitized. D’Amico asked when it would be coming to us and O’Brien said he thought it was going to be this week except that A.C. Strip did not have a legal description that cut out the Liberty Township portion. D’Amico will call Tim and talk to him again.

**Old Business –**

**Architectural Review Board -**

**RESOLUTION 20-09-38 APPROVE CREATING AN ARCHITECTURAL REVIEW BOARD PURSUANT TO OHIO REVISED CODE §519.171 AND HAVE RON BULLARDS NAME INSERTED IN SECTION FOUR**

**RESOLUTION NO. 20-09-38  
A RESOLUTION CREATING AN ARCHITECTURAL REVIEW BOARD PURSUANT TO OHIO REVISED CODE §519.171**

The Board of Trustees, Berlin Township, Delaware County, Ohio (the “Board”) met in a regular meeting on September 28, 2020 at 3271 Cheshire Road, Delaware, Ohio with the following members present:

Ken O’Brien      Ron Bullard      Tom D’Amico

Trustee O’Brien moved the following:

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**WHEREAS:** pursuant to Ohio Revised Code (“R.C.”) §519.171, the Board may create an architectural review board (the “ARB”) to enforce compliance with any zoning standards it may adopt pertaining to landscaping or architectural elements (the “Design Standards”); and

**WHEREAS:** pursuant to R.C. §519.171, the ARB shall consist of no more than five residents of the unincorporated territory of the township, with at least one member being a licensed architect or engineer, and, if a licensed architect or engineer does not reside in the unincorporated territory of the township, that member of the architectural review board may be a resident of the county; and

**WHEREAS:** the Board shall adopt standards and procedures (the “S&P”) for the ARB to use in reviewing zoning permit applications for compliance with those Design Standards; and

**WHEREAS:** the Board is currently in the process of reviewing and considering amendments to the Berlin Township Zoning Resolution that would add two new articles to the Berlin Township Zoning Resolution, being: Article 15 Berlin Commercial Overlay and Article 19 Berlin Industrial Overlay (the “Overlays”); and

**WHEREAS:** the S&P, shall include the landscaping or architectural elements, as well as, the procedures, as set forth in the Overlays, once said Overlays are adopted.

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**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES, BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO, THAT THE FOLLOWING RESOLUTION BE AND IT HEREBY IS ADOPTED:**

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**Section 1.** The Board hereby creates the five member architectural review board (the “ARB”), pursuant to R.C. §519.171. The ARB shall consist of one township trustee and four members who are eligible by statute to serve on the ARB. Service on the ARB shall be voluntary and unpaid. The Board shall seek candidates from interested residents and shall appoint members at the sole discretion of the Board.

**Section 2.** The township trustee member of the ARB’s term shall commence from the date of appointment in Section 3 until 12:00PM on December 31, 2021. Subsequent township trustee members of the ARB’s terms shall be for two years from December 31, 2021, so that expiration of each term shall take place on December 31 of odd-numbered years. Should the township trustee’s member of the ARB’s term in office as a township trustee end prior to the expiration of their membership on the ARB, their membership on the ARB shall also cease when they are no longer a township trustee, and the Board shall appoint a township trustee as member of the ARB to serve the time remaining until the two year term would have expired.

**Section 3.** The remaining four “non-township trustee” members of the ARB shall be appointed as follows:

- A. One member’s term shall last from date of appointment until 12:00PM, December 31, 2021
- B. One member’s term shall last from date of appointment until 12:00PM, December 31, 2022
- C. One member’s term shall last from date of appointment until 12:00PM, December 31, 2023
- D. One member’s term shall last from date of appointment until 12:00PM, December 31, 2024

Following the expiration of the initial term of each “non-township trustee” member of the ARB, the Board shall appoint each non-township trustee member of the ARB to serve a four year term, commencing from the date of expiration of the initial term, until December 31, four years later. Should a non-township trustee member of the ARB resign or be removed by the Board, the Board shall appoint a new member of the ARB to serve out the remaining time until the term would have expired.

**Section 4.** The Board hereby appoints Trustee Bullard to serve on the ARB. Trustee Bullard shall assist township staff with seeking candidates that wish to serve on the ARB for the Board to consider. The initial period to seek candidates shall be for two weeks from the time of adoption of this resolution, and shall remain open until the ARB is filled. The Board shall make appointments to the ARB by Resolution. Any person appointed to the ARB may resign at any time, and, can be removed from service on the ARB at the sole discretion of the Board and without cause.

**Section 5.** This Board finds and determines that all formal actions of this Board concerning and related to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with

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all legal requirements, including but not limited to, §121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

**Section 6.** This Resolution shall take effect at the earliest time provided by law.

Trustee Bullard seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

YEAS: D’Amico, Bullard and O’Brien NAYS: None

The motion carried and the Resolution was adopted.

Attest: \_\_\_\_\_  
Claudia Smith, Fiscal Officer

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

**RESOLUTION 20-09-39 MOTION TO AUTHORIZE RON BULLARD TO ADVERTISE FOR POSITIONS FOR THE ARB**

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

**Fire Department -**

**Fire Chief Resignation** – O’Brien said we received a resignation letter from the fire chief and Pichert was to come up with a resolution but he was unable to join the Zoom meeting. O’Brien said Hall wants to resign as fire chief but also wants to be considered, in a part-time roll as a lieutenant. O’Brien wants clarity as to what that involves. They can act on this at the next meeting.

**RESOLUTION 20-09-40 MOTION TO ACCEPT RESIGNATION FROM FIRE CHIEF CRAIG HALL EFFECTIVE OCTOBER 3, 2020 WITH REGRET**

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

Bullard said as Hall has been a long and good standing chief and we could create a position that would allow him to do the things he wants to do which may not be in the lieutenant’s position. He said this is a very special case. O’Brien said he does not have a problem with that. D’Amico said we might need to have a special meeting this week if Pichert gets the resolution.

**Fire Pay** – O’Brien said they are still working on this and they may need to have a special meeting.

**Road Department –**

**Hire Road Laborer** – Bullard said since he was authorized to hire a road maintenance laborer he did and he started today.

**RESOLUTION 20-09-41 APPROVE HIRING SAM DINGUS EFFECTIVE SEPTEMBER 28, 2020 AT \$18.62 AN HOUR WITH A SIX-MONTH PROBATIONARY PERIOD**

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

**Road Laborer Raise** – Bullard said when we hired Jeff Evans they hired him as a laborer one and the employee handbook says they work as a road laborer one for two years and

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then they become a road laborer two. He asked smith when his anniversary date was and Smith said July 30, 2018.

**RESOLUTION 20-09-42 APPROVE MOVING JEFF EVANS FROM ROAD LABORER ONE TO ROAD LABORER TWO EFFECTIVE JULY 30, 2020 AT THE PAY RATE OF \$20.40 AN HOUR WITH A LUMP SUM PAYMENT FOR BACK PAY**

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

**Small Truck** – Bullard said there is a smaller truck that would allow a non-CDL driver, drive it. The approximate cost would be \$80,000 for the truck and another \$70,000 for truck bed, saltbox and snow blade. The delivery is about twenty-seven weeks but will not be available for this year. This would allow us to hire people without CDL's. D'Amico asked if we had inside storage for it and Bullard said we would have to figure out where to put it. He said we have three plow trucks and forty miles of roadway that we plow. D'Amico asked if we still had the small truck. Bullard said we have the Ford 550 dump truck that has a small plow on it and the snow comes over the blade and packs on the engine so after about an hour of plowing we have to park it in the garage and let the snow melt from the engine compartment. He said they put shields on and canvases over the input air compartment but have not been able to stop the snow from packing in the engine compartment. We can spread salt with it but snow plowing is an issue. O'Brien said he thought it was a good idea but not sure about the timing and asked Smith if she was okay with it. She said there was money set aside for a roads truck and there was money in other funds that could be used. Bullard said he would get more information. He said the Peterbuilt truck and equipment from Dexter that we would add on to it is not state bid but is Sourcewell bid so we would need to join Sourcewell.

**Trustee Items** – O'Brien said he put something in the newsletter about trick or treat and suggested that it be limited to an hour as people should only be trick or treating in their neighborhoods. He also thought about saying, "Please only go to houses with their lights on." D'Amico said he does not know how much people will listen to what they say. O'Brien said if they get any more information that it should be given to Rippel to be put on the website.

Bullard said they never decided where the Fairview cemetery stuff should go and suggested that it go in the office where zoning stores stuff. Smith said she was not sure there was much room there. Bullard said the only other place that could be locked would be the trustee's office. Smith said she would list the items on GovDeals again and then pitch it if it does not sell, that would free up a corner but there are a lot of zoning things on the other desk. Bullard said it could be thrown away too.

**Zoning Department –**

**Berlin Bluff and Maeve Meadows Modification –**

**RESOLUTION 20-09-43 MOTION TO SET DECISION ON WHETHER BERLIN BLUFFS & MAEVE MEADOWS IS A MAJOR OR MINOR MODIFICATION FOR OCTOBER 12, 2020 AT 7:00 P.M.**

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

**Public Comment-**

Meghan Raehll stated that she sent them an email earlier today and to summarize it she said at the last trustees' meeting, she indicated that a number of residents have been interested in exploring trails and recreation figuring out ways to better integrate and connect different pathways within the township. What she sent in the email was twofold; one was a request that they consider the establishment of a trails and recreation committee or TRC. With the mission to enhance the quality of life for Berlin Township resident through planning safe multi-use paths, supporting the preservation of natural features and historical

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landmarks, pursuing grants for community development and communicating recreational activities in and around the township. The following goals were mentioned.

**Goals for the TRC will include:**

- 1) Creating a master plan for trails in the township
- 2) Partnering with Alum Creek parks and other shareholders to establish feasibility and gain broader support for trails in the township.
- 3) Researching and applying for grants support both the construction and the maintenance of trails. Grant opportunities may include but are not limited to any of the following:
  - (Regional) MORPC - Mid Ohio Regional Planning Commission
  - (Regional) Attributable Transportation Funding
  - (State) Clean Ohio Trail Fund
  - (State) Local Transportation Improvement Program
  - (State) ODNR - Ohio Department of Natural Resources
  - (Federal) Recreational Trails Program
  - (Federal) Land Water & Conservation Fund
- 4) Utilizing official township social media and other communication platforms to share about opportunities related to recreation in the township. Examples include farmers’ markets for businesses in the township, educational opportunities and events occurring within the township such as at Alum Creek, and activities in the surrounding townships parks and recreation.

The second item was that they have been working with residents to get input on the kinds of locations that they would like to identify as potential multi use paths and they set up a map.

**Trails and Parks Resident Feedback Map:**

Below is the working draft and you may interact with the map the website: <https://maphub.net/BerlinResidents/berlin-township-trails-parks>

Bullard thanked Meghan for the information and said the city has annexed more of the township than what shows on the map. He also talked to Chris Ballard to see if there was anything in the state code as far as a committee to recommend the trails and we are fine to setup up something but need to have rules around it to keep minutes etc. O’Brien said his concerns are about them not being in road-right-of way and maintenance being covered before it is even built. He has concerns with the number of miles in the map and his thoughts are that we start small and expand from there. Bullard said we have trails put into the zoning plans to be paid for by the developers. He said when they asked the residents on Piatt Road if they would be interested in having a path in front of their homes there was great resistance to it, so the plans for the widening does not include trails. Bullard said he was okay with a plan being put together.

**O.R. Colan Easement Purchases –**

**RESOLUTION  
20-09-44**

**RECESS TO EXECUTIVE SESSION PURSUANT TO ORC  
121.22 (G)(2) FOR THE PURPOSE OF DISCUSSION OF  
PURCHASE OF PROPERTY FOR PUBLIC PURPOSES AND  
121.22 (G) (1) APPOINTMENT, EMPLOYMENT, DISMISSAL,  
DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF  
A PUBLIC EMPLOYEE- THREE TRUSTEES, FISCAL OFFICER  
TO ATTEND – 7:16 P.M.**

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

**RESOLUTION  
20-09-45**

**MOTION TO RETURN TO REGULAR SESSION AT 8:14 P.M.**

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

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

**RESOLUTION 20-09-46 MOTION TO APPROVE \$19,164 FOR THE NECESSARY EASEMENTS FOR THE PIATT ROAD PROPERTIES**

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

**RESOLUTION 20-09-47 MOTION TO APPROVE TOM D’AMICO TO NEGOTIATE ACQUIRING ADDITIONAL EASEMENTS SUBJECT TO BOARD APPROVAL THROUGH O.R. COLAN**

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

D’Amico asked what was happening with the JEDD. O’Brien said he talked to Rob Platte and was told that we can’t have an approval until after the zoning and he was not comfortable with it and was told it was in the ORC. He asked where we were on the negotiations where the county is going to agree that they are not going to TIFF or other enhancements to the developers unless they agree to the JEDD and was told that would not be approved until after, but O’Brien is not sure about that. O’Brien told Platte he had a very positive meeting with the residents on Saturday and wants to move forward. Platte got unhappy with a couple things. O’Brien said he feels very good about where we are headed.

**Future Meetings-**

- 10/10/20 Meeting with Trustee O’Brien**
- 10/12/20 Trustee Meeting**
- 10/26/20 Trustee Meeting**
- 11/9/20 Trustee Meeting**

**Late Items-**

O’Brien said there is over \$200,000 available for Covid expenses if we had a need. Smith said we only spent money on laptops and some attorney fees regarding the Covid so we have spent less than \$3,000.

Smith said she met with the OTARMA IT risk agent and he suggested that we develop and implement a disaster recovery plan, a password policy and upgrade windows 7 to a supported operating system.

**Adjourn-**

**RESOLUTION 20-09-48 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman D’Amico at 8:26 P.M.

\_\_\_\_\_  
Tom D’Amico, Trustee

ATTEST:

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

\_\_\_\_\_  
Claudia Smith, Fiscal Officer

\_\_\_\_\_  
Ken O’Brien, Trustee