

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting November 9, 20

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

CALL TO ORDER: Tom D’Amico, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ken O’Brien 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: Meghan Raehl, Joe Pichert, Tim Foor, Jarrod Burks and Nathan Hale

**Approval of Minutes-
RESOLUTION APPROVE THE 10/26/20 REGULAR MEETING MINUTES
20-11-03 AND DISPENSE WITH THE READING**

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

**RESOLUTION APPROVE THE 10/29/20 SPECIAL MEETING MINUTES
20-11-04 AND DISPENSE WITH THE READING**

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

Old Business-

Fairview Cemetery Imaging- Jarod Burks from Ohio Valley Archeology showed examples of cemeteries using different methods including; Photogrammetry, Magnetometry and Ground Penetrating Radar that would help to find the specific locations of coffins. D’Amico stated that he was concerned with some of the vaults not being put precisely where they needed to be. Burks stated that along with the existing Fairview map and the map they will come up with using their processes, they would be able to compare what is detected versus what the Fairview map shows to get a more precise picture. D’Amico stated that he feels using these; processes would be very helpful to plot where everything is. Burks stated that he can get a proposal, free of cost, to the trustees and then they can decide what action they would like to take. Bullard asked Burks if there would be any way to marry what he would come up with, with the Pontem software that we currently use. Burks did not know for sure but felt it would be possible. D’Amico stated that he has hopes that if we get the data put into the Pontem software and then with using Burk’s technology as a follow up it would help to verify or not if things are, where they are supposed to be. Bullard said that he likes the idea of doing a small section of the cemetery at a time and then working the rest of the way through getting the retrieved information and making sure, we are getting all the information that we need/want. Burks will work on getting a proposal. Foor believes that the Photogrammetry and the Ground Penetrating Radar will at best need to be done.

Disaster Plan, Password Policy & Upgrade Computers- D’Amico asked Smith what our disaster plan is. Smith stated that it was when OTARMA came and did a risk assessment and they recommended that a disaster plan be made. Bullard believed that a password policy has been implemented. Smith said she could not find one and does not know when it was done. D’Amico stated it should be kept on the agenda until answers are retrieved. Smith stated that there will be no answers unless someone is assigned to the task. Bullard will call OTARMA and see what he can find out.

Collective Bargaining- This will be discussed in executive session.

Employee Compensation- This will be discussed in executive session.

Piatt Road Updates- D’Amico stated that 17 parcels out of 31 have been signed. D’Amico will work on getting a summary together with his recommendations on it.

**RESOLUTION APPROVE PAYING FOR PIATT ROAD PARCEL’S #11, #14, AND
20-11-05 #17 TOTALING \$7,052**

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

Coronavirus Funds Encumbered- Bullard stated that he and Irwin are working on getting quotes to update the bathrooms in the township hall and the fire department with touchless faucets and touchless toilets.

Fiscal Officer Items-

October Bank Statement and Electronic Payments- The October bank statement and electronic payments balanced.

Smith stated there’s a notice for the trustees along with Foor to sign so that cemetery lots are able to be sold by them. She had Buell sign one for Cheshire cemetery and Rippele sign one for both cemeteries. Smith stated that Foor will need to get a key to the trustees’ office and a code for the front door. Foor asked about the rules and regulations for Fairview. D’Amico stated that it was decided that they were going to adopt the same rules and regulations as the Cheshire Cemetery without above ground headstone or gravestones. Smith asked if new books will need to be made. D’Amico stated that it would be best if there was. Smith will look into getting Foor bonded.

Accept 3rd Amended Certificate of Estimated Resources- Smith stated that since the township had received the COVID money she had to make a 3rd amended certificate of estimated resources that will need a resolution to accept these amounts.

**RESOLUTION APPROVE THE 2020 THIRD AMENDED CERTIFICATE OF
20-11-06 ESTIMATED RESOURCES**

3RD 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
2272 Coronavirus Relief Fund	\$ 318,999.76
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	\$ 605,000.00

Total Third Amended Certificate \$9,876,658.75

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

Supply Orders Due by 12/11, No spending until January 2021- Smith stated that if any money is expected to spent the rest of this year, it will need to be all spent by December 11th 2020. After that date, there will be no spending until sometime in January when the budget is complete. O’Brien asked about the COVID funds. Smith stated that it needs to be encumbered by November 20, 2020. If it is not spent by December 30, 2020, the township at least needs to be in a contract with somebody stating that they are going to do the work but cannot get to it by December 30th in order to not have to send the COVID money back. D’Amico stated that we would have a special meeting. O’Brien asked for it to be November 15, 2020 at 1:00 p.m. This special meeting will be for a discussion of resources that are needed for the COVID related expenses and include collective bargaining and the possible adoption of the union contract.

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Records Commission Meeting- Smith stated that there was supposed to be meeting with the Records Commission but basically there is still room in the store room so nothing will need to be disposed of. Smith stated it will have to done next year.

2021 Budget- Smith stated that she handed out the 2021 appropriations to everyone and she will need those back by November 20, 2020.

Cemetery- D’Amico stated that he received quotes from Pony Landscaping in regards to mowing for next year. O’Brien questioned the amount of times fertilizing was being done. D’Amico agreed that he felt it was too many times. D’Amico feels that the township should stick with Pony as they have done a good job the last couple of years. Foor expressed concern that Pony needs to be very careful so they do not hit any loose headstones and make them worse. Bullard asked about materials that were on the lot that was not given to the township and suggested we ask the court if the materials can be given to the township. Foor stated that the vaults that are on the other lot are not worth keeping. He feels the only material that the township may want to try to salvage is some of the boards that were part of the fences that were used.

Fire Department-

Requisitions- There are no requisitions at this time.

Capt. Brown Step Increase-

RESOLUTION 20-11-07 APPROVE UPON THE RECOMMENDATION FROM ASSISTANT FIRE CHIEF PICHERT TO MOVE CAPTAIN SCOTT BROWN FROM STEP 3 FULL-TIME FIRE CAPTAIN TO STEP 4 FULL-TIME FIRE CAPTAIN EFFECTIVE NOVEMBER 1, 2020 AT AN HOURLY RATE OF \$19.52/HOUR

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

Utility 391 bed- Bullard told Pichert that the utility bed needs to be fixed before the spending freeze. Pichert stated that he would take care of it.

Road Department-

2021 Road Improvements- Bullard stated that one of the requirements for getting the onyx that was laid this year corrected for free is that there needs to be other projects getting done with onyx within the township next year. Smith asked if the paperwork had been completed for the 2021 road improvements. Bullard stated that he and Irwin will get it done.

Bullard stated that there is a good supply of salt for winter and the trucks are also in good shape.

Trustee Items- There were no new trustee items.

Zoning Department-

October Zoning Report- There have been 20 house permits in the month of October and the YTD is 110.

Byers Realty LLC Major or Minor Change-

RESOLUTION 20-11-08 MOTION TO SET THE BYERS REALTY LLC MAJOR OR MINOR CHANGE FOR NOVEMBER 23, 2020 AT 8:00 P.M. VIA ZOOM

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

Public Comment- Meghan Raehll addressed and referenced the following:

**Berlin Township Trails and Recreation Committee
Articles of Purpose**

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Article I:

The Trails and Recreation Committee (Herein, identified as "TRC") is designed to serve as an advisory body to the Board of Trustees regarding matters concerning the planning, use, and communication related to trails and recreation within Berlin Township.

Article II: Authority of Committee. The TRC shall have no independent authority to act on behalf of the Township. However, upon a duly passed resolution, the Trustees may provide limited authority and discretion to Members of the Committee from time-to-time to act on behalf of the Committee and the Township. The limited scope of such authority may include the filing of grants on behalf of the Township or such limited authority as the Trustees duly grant by resolution in their sole discretion.

Article III: Mission of the Committee.

The mission of the TRC is to enhance the quality of life for Berlin Township residents through planning safe multi-use paths, supporting the preservation of natural features, pursuing grants for community development, and communicating recreational activities in and around the township.

Article IV: Goals of the Committee.

The goals of the TRC shall consist of the following:

- 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.

Article V: Membership of Committee.

- (a) The Committee shall consist of a minimum of five (5) Members, each of whom must be a resident of Berlin Township. The Township shall also appoint one Trustee to serve as the liaison to the committee.
- (b) A person desiring to become a Member of the Committee must be at least eighteen (18) years old and shall submit a letter of interest and resume to the Board of Trustees. Upon review of such information, the Trustees, at their sole discretion, shall decide whether a person is appointed as a Member of the Committee by majority vote.

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(c) Members of the TRC shall serve three-year terms. Of the initial appointees, one (or two) shall serve one-year terms, one (or two) shall serve two-year terms, and one shall serve a three-year term. Thereafter, terms of office for successive appointees shall be for three years. All terms shall commence on the first Monday of February succeeding appointment.

(d) Once appointed to the Committee, a person shall serve on the Committee until the earlier of the following:

- 1) The Member is no longer a resident of the Township;
- 2) The Member resigns;
- 3) The Trustees remove the Member from the Committee;
- 4) The expiration of the Members' current Term.

All positions shall be voluntary and without pay. The committee and shall meet on the first Wednesday of each month at 6pm (EST). All meetings are open to the public and citizens or groups that would like to attend are welcome.

Article VI: Officers of Committee. The Committee shall elect one of its members to the offices of Chair, Vice-Chair, and Secretary. The election shall occur in either November or December of each calendar year with such elected Member to take office in January of the following calendar year. If an officer resigns as a Member of the Committee during the calendar year, the Committee shall elect another member to fill that office for the remainder of that calendar year. One Trustee shall serve as the liaison to the committee. Roles will include the following:

- President – The President shall be responsible for presiding over meetings of the Committee and coordinating the activities of the Committee. The President shall be responsible for reporting to the Trustees on the activities of the Committee.
- Vice President – The Vice President shall be responsible for assuming the President's activities and duties in the event the President is unable to fulfill such activities and duties. The Vice President will be responsible for social media communications.
- Secretary – The Secretary shall be responsible for maintaining accurate minutes of all meetings of the Committee and filing such minutes with the Township Officer and maintaining a current and active roster of Members.

O'Brien stated that he would not be for the trails and recreation unless there was funding available. O'Brien suggested to Raehl to consider adding the general health district, as there are people that are involved in it that could possibly help in getting grants. Bullard asked that we put the committee for trails and recreation on the January agenda.

Future Meetings-

11/15/20 Special Meeting
11/18/20 Special Meeting
11/23/20 Trustee Meeting

Late Items- O'Brien stated that the county has promised to send e-mails regarding the JEDD and he is still waiting on that. O'Brien stated that they recommend using attorneys and then bill the finance authority. O'Brien feels the attorneys should represent the township and not the finance authority. O'Brien would like to use Albers & Albers.

Bullard stated that as of now, there are four members including himself and an architect for the ARB board and he is looking for one more. O'Brien asked for a summary of the members before hand so that there is time to do research on them if needed before the trustees vote on them. Bullard agreed.

Coronavirus Funds Encumbered Cont'd- Pichert began with items that they would need that would fall under the recommendations that were given to them by the federal

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government and also the Ohio Township association involving COVID related items/services. The first being PPE & Cleaning equipment that will total approximately \$1,500.

Another being a hand-held sanitize sprayer that would have a container attached to hold bulk sanitizing spray. Bullard would like to see two of those purchased, one for the road department and the other for the fire department. The cost would be \$1,100 for each.

Next would be touchless items for the bathroom to include; toilets, sinks, faucets and paper towel holders. These items are estimated at \$25,000 which will also includes paying a plumber. Smith asked if the kitchens in the fire department and the township hall were included. Pichert said yes.

The next item would be mattresses that are more germ resistant and would be easier to sanitize. There are nine mattresses totaling an estimated cost of \$9,000.

Next would be hazard exposure compensation pay, due to the increase of exposure to COVID-19. One way agencies were handling this was to give an additional hourly rate. Pichert stated it would include part-time and full-time employees and be based on their hours actually worked. This would not include sick leave, vacation time, holiday time, comp time and training hours not related to COVID. The estimated cost would be \$45,000. Smith stated that she spoke with Ballard and he said the only way it can be used is with time spent working on COVID mitigations or being placed on COVID leave. Smith asked Pichert to get something from Ballard clarifying what it can be used for. O'Brien wants it to be put in writing.

In regards to getting new iPads, O'Brien stated that it couldn't be that the old ones are just being replaced but that the new ones come with certain capabilities that the old ones do not have. The estimated cost in total would be \$5,000.

O'Brien asked Pichert if all the fire fighters have a second set of turn-out gear as he believes this may be a covered cost. Pichert answered no. O'Brien asked Pichert to see how many would need to be ordered so that all of the fire fighters would have a second set on hand.

The next item would be a new dryer that has a sanitizing cycle on it. The estimated cost would be \$700.

Finally, Pichert stated once all appropriations have been done with the COVID money that he feels the rest should go to reimbursing the wages for the fire department that was allowed during the COVID period as opposed to sending it back to the government.

As far as the township hall, Smith asked about the carpets and air duct cleaning. O'Brien stated that he spoke with Ballard and he said that the carpet is not allowed to be replaced unless there is a scientific analysis that replacing it would somehow allow germs to be repelled. For this reason, under the COVID spending guidelines carpet is allowed to be cleaned and sanitized. Smith will look into who was used to clean the carpets the last time it was done and let O'Brien know so he can call them.

O'Brien suggested if there was any money left over that the township could sub-grant it to Olentangy schools. O'Brien stated that due to conflict of interest he feels he should not be the one to look into this. Bullard stated that he would get information regarding this.

Bullard gave the trustees a list of items from Ke Wa Pa that totaled approximately \$5,000 that could be purchased.

Smith stated her list of items that can be reimbursed due to COVID include: laptops, legal fees, laptop set up and the zoom monthly fees. These total approximately \$5,000.

O'Brien asked Smith if it would be easier to do a super blanket with the COVID funds. Smith stated she set up different categories for the funds, she feels doing each batch individually and then putting those towards a blanket certificate would make it easier to keep track of what is being spent and who the money is going to. O'Brien asked Smith how to encumber money for potential COVID. Smith does not know the answer. Smith stated that all the quotes need to be in by the November 15, 2020 special meeting so that it can all be appropriated.

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D’Amico asked Smith if she could talk to our computer guy about getting laptops for the zoning boards. Smith stated that the zoning boards do not want them and if they are purchased, they will just sit and not be used. O’Brien stated that he does not feel they should use their personal computers. He feels it is unfair for one member to have a higher quality computer than another member. O’Brien stated that with all the zoning maps that will need to be on the computer, it may have to be of a higher quality. Smith suggested asking Flaherty because he knows quite a bit about computers. O’Brien stated that he does not know if Flaherty would be the one to ask since he is opposed to getting them for the zoning boards. O’Brien stated that he feels the trustees have the authority to not allow the zoning boards to use their personal computers and then they would have to use the ones that are bought for them. Smith expressed concern with what will happen to all the computers once we are done working remotely. Bullard stated that he would work with Flaherty on getting an estimate for approximately 20 new computers by the November 15, 2020 special meeting. Bullard suggested that the five that were bought for the trustees, the fiscal officer and the assistant fiscal officer could then be used for the two cemetery sextons and three others that the trustees deem necessary. O’Brien suggested also looking into getting a surge protector for each computer.

**RESOLUTION MOTION TO APPROPRIATE \$5,000 TO KE WA PA FOR
20-11-09 COVID RELATED ITEMS (#28338)**

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

Bullard explained there was a proposal for one furnace with an option to install air purifiers on that one and two others. Bullard stated that he believes the air purifiers would fall under COVID related items.

**RESOLUTION MOTION TO APPROVE THE PROPOSAL CONTRACT FROM
20-11-10 COMFORT EXPRESS DATED 11/09/2020 TO REPLACE THE
FURNACE AT THE TOWNSHIP HALL AND THE INSTALLATION
OF THREE AIR PURIFIERS ON ALL FURNACES AT THE HALL
FOR \$5500, \$2000 IS TO COME OUT OF THE COVID FUNDS**

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

Bullard told Pichert that he would get him the name and the number of a place in Sunbury that sells the hand-held sanitizers and the attachment along with the disinfectant liquid. Bullard stated that he had spoke with Ballard regarding the purchase of a pick-up truck so that the roads department employees do not have to ride together and was told that it does not qualify under the list of COVID related items. Smith stated that the rumor of Orange Township getting three new trucks is false. To clarify, Bullard is looking into the laptops and the automatic lights, O’Brien is looking into the carpet cleaning, and Irwin will look into the air duct cleaning at the township hall. Smith asked about someone coming into the Township hall and doing a deep cleaning because she could not get a hold of the custodian. D’Amico said even if it is after the fact of appropriating funds for this, it still needs to be done.

**Late Items Cont’d-
RESOLUTION MOTION TO RECESS TO EXECUTIVE SESSION PURSUANT TO
20-11-11 ORC 121.22 (G)(1&4) FOR COLLECTIVE BARGAINING AND
EMPLOYEE COMPENSATION-THREE TRUSTEES, FISCAL OFFICER,
ASSISTANT FISCAL OFFICER AND JOE PICHERT TO ATTEND-
8:17 P.M.**

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

**RESOLUTION MOTION TO RETURN TO REGULAR SESSION- 8:37 P.M.
20-11-12**

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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 20-11-13 MOTION TO APPROPRIATE AN ADDITIONAL \$20,000 TO FISCHEL, DOWNEY, ALBRECHT & RIEPENHOFF FOR THE PURPOSE OF THE FIRE DEPARTMENT CONCERNING COLLECTIVE BARGAINING AND RELATED FIRE FIGHTER LEGAL ADVICE TO COME OUT OF THE FIRE FUND

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

Adjourn- RESOLUTION 20-11-14 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 8:43 P.M.

Tom D'Amico, Trustee

ATTEST:

Ron Bullard, Trustee

Theresa Taylor, Assistant Fiscal Officer

Ken O'Brien, Trustee