

BERLIN TOWNSHIP TRUSTEES

5:00 p.m.

Emergency Meeting

November 18,

20

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

CALL TO ORDER: Tom D’Amico, Trustee Chairman

PLEDGE OF ALLEGIANCE: Theresa Taylor led the Pledge of Allegiance

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

ATTENDANCE: Christina Littleton and Chris Ballard

Fairview Cemetery- D’Amico asked the other trustees their opinion in moving forward with the hiring of Tim Foor. Bullard stated that he feels they should hire Foor as he has knowledge that none of the trustees have in terms of the cemetery. O’Brien asked if Foor is not bonded and money were to go missing who would be responsible. Ballard was not sure but believed it would be the township. Smith stated that she spoke with Wendy French and was told that he can be added to a Faithful Performance of Duty coverage which she believes is a kind of insurance that if something were to happen the township and the trustees would be covered. O’Brien stated that if D’Amico recommended Foor and the trustees and township are covered by doing their due diligence he would have no objections.

RESOLUTION 20-11-31 MOTION TO HIRE TIM FOOR AS THE FAIRVIEW CEMETERY SEXTON WITH A 1-YEAR PROBATIONARY PERIOD AT \$10,000 A YEAR

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

O’Brien asked D’Amico about his suggestion of making Fairview an inactive cemetery. D’Amico stated that he spoke with Ballard who advised him that it would not be a bad idea to not sell lots until there is a better grasp of what is going on, then get an inventory of how many lots there are and how many purchased lots there are. O’Brien stated that he thought it might be good to make it an inactive cemetery until Cheshire Cemetery was full. Smith stated that if there are people that have loved ones buried at Fairview they are going to want to be buried there and not at another cemetery. O’Brien suggested having a resolution so that it does not look like the trustees are favoring a particular person or group. Bullard asked Ballard if it would be considered discriminatory if someone asked to be buried in a particular section and was told that they could not. Ballard will investigate it.

Covid Appropriations- Smith stated that after she did all the purchase orders there were a few things that Pichert spoke to her about that ended up being repeated. That being said, there was \$18,674.36 left of the Covid funds to either spend or send back. Smith said she had spoke with Ballard who stated that the remainder could be added to the fire department payroll. O’Brien stated to Ballard that he had told Pichert he was not comfortable moving on using the money for payroll until it was cleared by him. Ballard addressed a section of his email that he sent to Pichert:

Per US Treasury (UST) and Ohio Office of Budget and Management (OBM) guidance the full amount of payroll and benefits for "public safety...and similar employees" whose services are "substantially dedicated to mitigating or responding to the COVID 19 public health emergency are acceptable uses of Coronavirus Relief Funds (CRF). The UST has not defined what "substantially dedicated" means and requires each jurisdiction to maintain documentation of the "substantially dedicated" conclusion with respect to employees. OBM generally defines a benchmark for identifying "substantial dedication" to be a contribution of 50% or more of time.

The UST has also said that for "administrative convenience," public safety personnel (which includes firefighters) are "presumed" to be substantially dedicated unless the chief executive (in Berlin’s case, the Board of Trustees) determine that specific circumstances indicate they are not substantially dedicated to mitigating or responding to COVID 19.

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If the firefighters are "substantially dedicated" to mitigating COVID 19, then their entire payroll and benefit expenses from March 1, 2020 to December 30, 2020, can be paid from CRF. Personnel who are not "substantially dedicated" can still have the portion of their time that is spent mitigating or responding to COVID 19 paid out of CRF, you just need to carefully document this time and how it is related to COVID response.

Ballard stated that the guidance regarding the fire fighters is that it will be difficult to part out what they are doing that is related to responding to Covid-19 and what is not. Ballard confirmed that it would be his recommendation to use the remaining Covid funds to pay the fire fighters their regular pay as opposed to using it as hazard pay or paying for benefits. By doing this, the fire fighters will not have to supply Smith with a breakdown of their hours. Bullard also stated that this would alleviate other township employees having to breakdown their hours who are working on Covid related items since it would all go to the fire department payroll. Smith will redistribute the money back to March for the fire fighters pay. D’Amico asked about the Zoom camera that Flaherty had asked about getting. O’Brien stated that does not feel that the camera is needed because the view would be that the meetings are going to be live-streamed and since everyone would be together on a Zoom call, it would not need to be streamed. Bullard agreed to have the remaining money go the fire department payroll and if later the camera needs to be purchased it can be done then.

**RESOLUTION
20-11-32**

**MOTION TO REPEAL AND REPLACE RESOLUTION #20-11-29
AND APPROPRIATE \$202,674.36 TO THE FIRE FUND**

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

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

RESOLUTION NO. 20-11-32

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in emergency session on the 18th day of November 2020 with the following members present:

Tom D’Amico

Ron Bullard

Ken O’Brien

O’Brien Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the “Coronavirus Aid, Relief, and Economic Security Act” in House Bill 481 and House Bill 614 of the 133rd General Assembly (HB 481 & HB 614); and

WHEREAS, Berlin Township has passed a resolution pursuant to HB 481 & HB 614 to receive funds from the County Coronavirus Relief Distribution Fund; and

WHEREAS, the Berlin Township Trustees have found that, consistent with guidance from the United States Department of the Treasury and the Ohio Office of Budget and Management, and the Delaware County Prosecuting Attorney, that the Berlin Township Fire Department Firefighters are “public safety personnel” who are “substantially dedicated to mitigating or responding to the COVID 19 public health emergency, and therefore their payroll and benefit

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expenses between March 1, 2020, and December 30, 2020, can be paid from Coronavirus Relief Funds; and

WHEREAS, Berlin Township’s UAN accounting system does not provide the ability to open a PO for direct charges of payroll;

NOW THEREFORE, be it resolved that the Berlin Township Trustees approve the encumbrance of Coronavirus Relief Funds to reimburse the Berlin Township Fire Fund for payroll and benefits of Berlin Township Firefighters paid between March 1, 2020, and December 30, 2020, incorporated herein as Exhibit A, as a direct charge.

Exhibit A

APPROPRIATE \$202,674.36 OF THE CARES ACT GRANT MONEY TO REIMBURSE THE FIRE FUND FOR PAYROLL EXPENSES TO THE BEGINNING OF THE COVID PANDEMIC

Adopted on: November 18, 2020

Bullard seconded the motion.

Voted on and signed this 18th day of November 2020 in Berlin Township, Delaware County, Ohio.

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

Tom D’Amico
Trustee

Date

Ken O’Brien
Trustee

Date

Ron Bullard
Trustee

Date

ATTEST:

Claudia Smith
Berlin Township Fiscal Officer

Date

TIF Expenditures- Smith stated that she received the second half of 2020 real estate property taxes and there was a new charge of \$66,613.72 for a prior year TIF recruitment and she did not know what it was for. She asked Shari Baker at the auditor’s office and sent information regarding it. O’Brien stated that after he looked at the resolution, it was not being spent on what the ordinance said it was going to spent on. O’Brien asked Ballard if they can tell them that the township is not going to pay it since they are not using it for the purpose, they had delineated it in their ordinance. Ballard stated that he would want to look at the ordinance and see what they are spending it on. O’Brien stated that he didn’t know what it was being spent on but that it was supposed to be used on an overpass on the railroad at Berlin Station Road, which they didn’t do but instead put in a roundabout. O’Brien suggested saying that they could use the amount that it cost to build the roundabout but whatever was left should go back to the entities. Smith stated that the amount has already been taken out of the property tax revenue so she will have to put the receipt in and if the trustee want to fight it then the auditor would have to pay it back to the township. Smith stated that she had not appropriated for the charge so she will need a

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resolution to be able appropriate for it. Smith will provide Ballard with all the information on it and he will look into what the townships rights are. Bullard wanted to make sure that we are not accepting the receipt by appropriating for it. Ballard said no.

**RESOLUTION
20-11-33**

**MOTION TO APPROPRIATE \$66,613.72 FOR THE 2ND HALF
OF 2020 REAL ESTATE TAX SETTLEMENT TIF RECOUPMENT,
THAT WAS NOT PREVIOUSLY APPROPRIATED FOR**

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

**RESOLUTION
20-11-34**

MOTION TO ADJOURN

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

Meeting adjourned by Chairman D'Amico at 5:55 P.M.

Tom D'Amico, Trustee

ATTEST:

Ron Bullard, Trustee

Theresa Taylor, Assistant Fiscal Officer

Ken O'Brien, Trustee