

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting February 8, 21

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

CALL TO ORDER: Ron Bullard, Trustee Chairman

PLEDGE OF ALLEGIANCE: Joe Pichert 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: Joe Pichert, Tim Foor, Chris Ballard and Molly Gwin

**Approval of Minutes-
RESOLUTION 21-02-01 APPROVE THE 01/25/21 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

Old Business -

Fairview Cemetery Updates and Fees & Rules- Bullard stated that he had sent a letter regarding the townships position to Ballard. Ballard stated that the only thing he changed was for it to reflect that it was a corporate dissolution by the common pleas court that transferred the ownership of Fairview Cemetery to Berlin Township.

RESOLUTION 21-02-02 MOTION TO ADOPT THE CLEAN DOCUMENT OF THE RED-LINED MARK-UP FROM CHRIS BALLARD

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

Disaster Plan- Bullard stated that there are courses available and he will look into them.

Piatt Road Updates- D'Amico stated that there are now 22 confirmed contracts that have been signed. D'Amico stated that he had contacted Ballard to have him reach out to help in ascertaining the family of Reiner's signature. Ballard stated that he had reached one of the surviving owners, Janet Reiner, who believed that they had probated the estate, although there is no record of it. She also stated that her and Barbara, the other surviving owner, had consulted with an attorney. Ballard will try to get information from their attorney.

RESOLUTION 21-02-03 MOTION TO APPROVE THE DECLARATION AND INTENT OF THE BOARD OF TRUSTEES TO APPROPRIATE PROPERTY

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

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

DATE: FEBRUARY 8, 2021

RESOLUTION NO. 21-02-03

IN THE MATTER OF ADOPTING A RESOLUTION DECLARING a necessity and THE INTENT OF the Board of trustees TO APPROPRIATE PROPERTY

The Board of Trustees of Berlin Township, Delaware County, Ohio ("Board") met in ___ Regular ___ session on February 8, 2021 with the following members present:

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Ron Bullard

Ken O'Brien

Tom D'Amico

D'Amico Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the Board of Township Trustees of Berlin Township, Delaware County, Ohio (the "Board") deems it necessary for the public convenience and welfare to construct a highway project known as DEL-TR99-0.927 by construction, reconstruction, installation, replacement, repair, maintenance and improvement of Piatt Road in Delaware County, Ohio (the "Improvement"); and

WHEREAS, the Board has determined that a perpetual easement is necessary for the Improvement and that the Board cannot agree with a price through negotiation with one of the property owners, as he is deceased without his interest in the property appearing to have passed to another, and as such the owner of his interest is unknown and cannot be ascertained with reasonable diligence; and

WHEREAS, the Board has determined the fair market value ("FMV") for the property to be appropriated and any resultant damages; and

WHEREAS, the Board has determined that it is necessary to take immediate possession of the property to be appropriated via the "quick take" procedure under section 163.06(B) of the Revised Code;

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED:

1. The Board deems it necessary, and it is hereby declared to be the intention of the Board, that should the heir of Alan L. Reiner remain unknown, to appropriate the following property necessary for the Improvement and determines the FMV for the same:

Property Owner	Interest to be Appropriated	FMV
Janet L. Reiner	21-SH "B"	\$2,524.67
Unknown Heirs of Alan L. Reiner, Deceased	21-SH "B"	\$2,524.67
Barbara L. Reiner	21-SH "B"	\$2,524.67

The parcel identifiers listed in the table above are taken from the approved right-of-way plans and highway construction plans for the Improvement, which are, by this reference, fully incorporated herein and are on file and available for inspection or copying at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015.

2. The appropriations deemed necessary herein being for the purpose of making or repairing roads which shall be open to the public without charge, the Board further deems it necessary, and hereby states its intention, to immediately obtain and take possession of and enter upon the property to be appropriated upon filing the Petition and depositing the FMV with the Court, in accordance with section 163.06(B) of the Revised Code.

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- 3. The Board hereby directs the Delaware County Prosecuting Attorney, that should the heir of Alan L. Reiner remain unknown and unable to be determined by reasonable diligence, to commence the appropriation proceedings on behalf of the Board.
- 4. 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 all legal requirements, including but not limited to, §121.22 of the Ohio Revised Code, except as otherwise permitted thereby.
- 5. This Resolution shall take effect and be in force immediately upon passage.

O'Brien seconded the motion.

Voted on and signed this 8th day of February, 2021 in Berlin Township, Delaware County, Ohio.

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

Ronald Bullard
Trustee

Ken O'Brien
Trustee

Tom D'Amico
Trustee
Attest:

Claudia Smith
Berlin Township Fiscal Officer

**RESOLUTION MOTION TO APPROVE \$504 FOR PARCEL #10 AND #29
21-02-04 FOR THE WIDENING ON PIATT ROAD**

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

JEDD- O'Brien ask that that this be discussed in executive session.

2021 Onyx Proposal- Bullard explained that he had sent the onyx proposal to Ballard, since the township does not want to go through the county program. Ballard stated that the township does have the necessary resolution in place, and confirmed that there was not a pre-existing contract with the county. O'Brien stated that there were a few cracks in Curve Road and wondered if it may need to be sealed. Bullard is going to look into it.

**RESOLUTION MOTION TO APPROVE THE STRAWSER CONTRACT IN THE
21-02-05 AMOUNT OF \$55,377 FOR THE APPLICATION OF ONYX
SEALANT**

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

Storage Building- There is no update on the storage building. Bullard asked for thoughts, if the storage building should have a wash bay in it. Pichert stated he feels that the wash bay at the firehouse is sufficient for both themselves and the road department. He does not anticipate needing the bay for anything else. O'Brien agreed. Bullard suggested offering the

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use of the wash bay to other townships to let them see if it is something they may want to get for their own townships. O'Brien does not want to do this, but is not opposed to occasionally letting them use the wash bay and trading services.

Fire Chief Hiring- O'Brien stated that based on Riepenhoff's evaluation of Dyann McDowell that it would benefit the township to hire her. Bullard stated that he would like her to be at the next trustee meeting.

RESOLUTION 21-02-06 MOTION TO APPROPRIATE \$1,500 FOR TRUSTEE O'BRIEN TO WORK WITH DYANN MCDOWELL TO PRESENT A PROPOSAL AT THE NEXT TRUSTEE MEETING ON FEBRUARY 22, 2021

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

Driveway Permit List- O'Brien had a meeting with Rippel and Irwin. The two of them are going to discuss possible ways to address what the trustees had talked about in the last trustee meeting and then get back with O'Brien.

O'Brien expressed concerns that Irwin feels he has authorization to approve things informally. O'Brien asked Bullard to have a discussion with Irwin about this.

O'Brien stated that he does not like having sump pumps clean themselves out into the streets, due to possible freezing, which may cause safety issues. Bullard will talk with the county engineer for possible tie-ins with the sewer and sump pumps.

Fiscal Officer Items-

December Bank Statement & Electronic Payments- The January bank statement and electronic payments balanced.

OTARMA Renewal- Smith stated that she had received the OTARMA renewal rates for January 2021- January 2022, which is \$39,520. Bullard stated that he would like to increase the liability rate by \$1,000,000. Smith stated that the increase would cost \$1,030.

RESOLUTION 21-02-07 MOTION TO PAY \$40,550 TO OTARMA FOR INSURANCE PREMIUMS FOR JANUARY 2021 THRU JANUARY 2022

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

Covid Extension- This is to be discussed in executive session.

Zoning Department-

Set Hearing Date for Celebration Kia- After a lengthy discussion, about when the 30-days actually starts, for when the hearing needs to be heard by the trustees. Bullard stated that the 30-days starts upon the passage from the BZC, not upon the approval of the minutes. O'Brien would like clarification in writing, from the prosecutors office, so that there is no misunderstanding of the information.

RESOLUTION 21-02-08 MOTION TO SET HEARING FOR CELEBRATION KIA, BZC #21-001 FOR FEBRUARY 22, 2021 AT 7:00 P.M. VIA ZOOM AS PUBLISHED

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

Cemetery- Nothing new.

Fire Department-

Hazard pay compensation- Bullard stated that he does not see a direct correlation to be able to talk about hazard pay compensation in executive session. O'Brien stated that he spoke with Riepenhoff who does not recommend talking about hazard pay compensation at

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all. Bullard stated that he does not like the resolution just not being discussed at all. D’Amico agrees with Bullard. O’Brien stated that the township is subject to open meetings, but is also not allowed to bargain in an open session, so the township cannot come up with a proposal in open session, which leaves the trustees hands tied. Bullard asked Pichert where the request came from. Pichert stated the request was for some of the money that was given to the fire department from the CARES act fund, to be used for additional compensation for the duties and exposure that the fire fighters have been exposed to, due to COVID. Pichert stated that they had received legal opinions from Riepenhoff’s law firm about how to go about this, which was to take some of the CARES act funding and transfer it into the fire fund and pay the employees from the fire fund. Pichert stated that this is being done in other townships and counties. O’Brien suggested having Riepenhoff come to the next trustee meeting and explain his position. Bullard agreed.

Requisitions- Pichert stated that the electric static sprayer, from Enzo’s, that sprays the disinfecting spray has now broken twice. They are waiting to hear back from Enzo’s and plan on asking for a credit, and then in turn buy a different electric sprayer. The road department is having the same problem with theirs.

RESOLUTION 21-02-09 MOTION TO APPROPRIATE UP TO \$2,000 FOR TRUSTEE O’BRIEN TO OBTAIN ELECTRIC STATIC SPRAYERS FOR THE COVID SPRAY APPLICATION IN THE TOWNSHIP HOUSE AND THE FIRE STATION

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

Road Department-

2020 Milage Certification- O’Brien asked if this has been compared to last years certification plus the ones that we have currently. Bullard stated that he had not seen the background data that goes to it. O’Brien wants to verify the calculations. Bullard will discuss with Cindy Davis. Bullard stated that Irwin is asking for a piece of mileage measuring equipment to add to the trucks for driveways.

Trustee Items- There were no trustee items discussed.

Zoning Department Cont’d-

January Zoning Report- Smith stated that we had not received it yet.

Public Comment- There were no public comments.

Future Meetings-

02/22/21 Trustee Meeting
03/08/21 Trustee Meeting
03/22/21 Trustee Meeting

Late Items- O’Brien asked that the newsletter be discussed at the next trustee meeting. Bullard stated that the trash contract is coming up and offered to meet with Berkshire and Delaware Townships, then come back with a recommendation. Bullard feels extending the Rumpke contract for another three years would be the route to take, as there has not been many negative issues with them during their past contract.

Smith stated that all the new laptops have come in. Smith asked O’Brien for a list of who is to get the new laptops and who is to get the four old laptops that will be turned in.

D’Amico stated that after completing inspections, the zoning inspector got a flat tire and was looking to get reimbursed for it. After a discussion amongst the trustees, it was decided that it would fall under the mileage reimbursement that he currently receives and no additional reimbursement would be granted.

RESOLUTION 21-02-10 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(8)(1) TO CONSIDER PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE AND TO CONSIDER APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE

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PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL- THREE TRUSTEES, FISCAL OFFICER, ASSISTANT FISCAL OFFICER AND CHRIS BALLARD TO ATTEND- 8:27 P.M.

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

**RESOLUTION MOTION TO RETURN TO REGULAR SESSION- 9:08 P.M.
21-02-11**

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

Bullard “We met in executive session and no decision were made and no actions were taken”.

D’Amico stated that he would like to extend the zoning inspector’s hours, while the zoning secretary is out of the office, by two (2) additional hours per day until further notice. Bullard and O’Brien agreed to this.

**Adjourn-
RESOLUTION MOTION TO ADJOURN
21-02-12**

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

Meeting adjourned by Chairman Bullard at 9:15 p.m.

Ron Bullard, Trustee

ATTEST:

Ken O’Brien, Trustee

Theresa Taylor, Assistant Fiscal Officer

Tom D’Amico, Trustee