

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting October 25, 21

HELD AT: This meeting was held at 3271 Cheshire Road, Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ron Bullard led the Pledge of Allegiance

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

ATTENDANCE: Tim & Stacy Foor, Rick Karr, Doug Dalton, Mike Bernth, Tyler Lane, Jessica Bendle, Mitchell Brandt, Tami & Toni Adams, Casey & Joe Mayhen, Leon Roberts, Meghan Raehll, Leanne Winslow, Brodi Irwin & Chris Paykoff

Approval of Minutes-

RESOLUTION 21-10-13 APPROVE THE 9/23/21 EMERGENCY MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 21-10-14 APPROVE THE 9/27/21 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 21-10-15 APPROVE THE 10/11/21 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

Scott Sanders with the Delaware County Regional Planning Commission gave an update on the census numbers. Berlin Township's total was 7,774. He stated that they use figures from building permits for all the townships and their figures were only 1,200 people off from 250,000 people compared to the census figures. He gave a brief summary of all the activities of their office and what could be found on their website. He stated that he has helped them in the past with updating the Berlin Township Comprehensive Land Use Plan and are always available to help if they have any future needs to update it.

O'Brien said the zoning board is in the process of updating the zoning hearing process and the time table and they may be bringing that to him for review.

Bullard said he thinks there are people here that want to discuss the aquatic center and that we have the application but he will only talk about in the meeting that will be scheduled later in this meeting. O'Brien said the reason for that is that it has not been advertised yet and there may be people here that are for it or against it and so that they aren't tainted one way or the other they will here all the comments the night of the hearing.

*****6:30 p.m. Time Certain*****Delaware County Finance Authority Bond Fund******

Doug Dalton and Michael Bernth with Bradley Payne Advisors said their firm is working with the Delaware County Finance Authority as their municipal advisor in assisting with the establishment and ongoing oversight of the new bond fund. The bond fund is being established to assist local townships, villages and real estate developers with financings and economic development. The bond fund is a tool to be used to be able to provide financing for fire stations, multi-family housing and projects like that. They are just trying to get the message out in case the township has a project that they might need financing for such as an administrative building, parks and trails or new roads.

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Tyler Lane with the prosecutor’s office said that Liberty Township would be the first recipient of the bond fund. Things that they are using the bond fund for are a new fire station, township hall and administrative building. As it is currently set up by the treasurer’s office the treasurer is offering a 1.75% interest rate for the first 10 years of these bond funds with the 2nd 10 years being at market. With the idea that this would end up saving whichever municipality decides to use it that amount of money to begin with along with lower origination fees and fees in general, to help out the community and help the treasurer’s office and try to encourage growth with our municipalities. Bullard said this board has taken the position that they want to pay for what they are doing today and not take the money from the future boards. O’Brien asked who represents who and was told that Bradley Paine represents the Delaware County Finance Authority, the prosecutor’s office represents the treasurer’s office and the Finance Authority, although they do have their own legal representation.

Leon Roberts said he lives in Berlin Manor and with Halloween coming he just wanted to remind everyone to pay attention to the children on the roadways.

**Old Business -
Driveway Permits** – Nothing new.

Request for Engineering Assistance – Bullard said he attempted to contact Mark Raiff and they have not crossed paths.

JEDD - To be discussed in executive session later in the meeting.

Fairview Storage - Trustees discussed purchasing a storage trailer for supplies but were concerned with how to security it.

Mowing Contract – Smith said they found out that the subcontractors make about half of what we pay Pony and that they were concerned that if they put a bid in they would burn their bridge with Pony. O’Brien said he would like to renew the current contract. D’Amico will look into renewing the current contract and what the increase would be.

**Fiscal Officer Items -
2nd Amended Certificate-** Smith said she filed the 2nd amended due to the receipt of the American Rescue Act money but has not received it back from the auditor.

Smith said she received an email from the Department of Commerce asking if we would participate in a presentation recognizing us as a recipient of the Cemetery Grant. Bullard, Foor and Smith said they could participate depending on the date.

Cemetery – Bullard said they have a difficult situation at Fairview and he believes Foor is now only dealing with funeral directors. O’Brien said with Cheshire Cemetery they have forms completed that say which plot a person is to be buried in when a plot is purchased and need to do this for Fairview. Foor said we have addresses but are not sure how current they are. Foor said one of the deeds he just received stated they were sold a plot in section 56 although there are only 54 sections. Bullard said he is asking the prosecutor if we can stop burying people in the Islamic section until we can get it straightened out. Bullard said we are not selling lots but are unclear if we can trade lots. At this time, we would need to have a special meeting to authorize the trade.

O’Brien said the sexton should make a request to the cemetery liaison and then the liaison can authorize it. Foor said we don’t know how many lots have been sold so he would not know what lots are available for trade.

Smith asked if the deeds were in the files that we have and Foor said yes but not for the plots that were sold during the receivership and we have not record of how many were sold during that time. The deeds that he has received so far are on a regular piece of paper and not deed paper like we use, so it is easy to duplicate. Bullard said right now Foor is probing every plot so see if there is anything in there as the ground penetrating does not show if a body is buried only if there is a vault.

**RESOLUTION
21-10-16** **MOTION TO AUTHORIZE THE CEMETERY LIAISON OR IN HIS
ABSENCE THE TRUSTEE CHAIRMEN TO TRADE/PURCHASE LOTS
WHEN THERE IS A PROBLEM MAKING A BURIAL**

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Motion: Bullard

Discussion: D’Amico said he doesn’t think it has enough teeth to it as Foor has stated that He is receiving documents that may or may not be showing proof of ownership. O’Brien said if they don’t show proof of ownership it doesn’t exist. D’Amico said it should say with a valid proof of ownership. Bullard said it is up to the liaison to decipher that with the information they are given. This takes the heat off of the cemetery sexton.

Second: O’Brien

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

Bullard said we have people that want to sell us their plots. He said he is not in favor of purchasing any plots as we have received no money for anything, someone else did. Foor said the rules will need to be changed then.

**RESOLUTION
21-10-17**

MOTION THAT THE BERLIN TOWNSHIP TRUSTEES WILL NOT PURCHASE GRAVE SITES BACK FROM OWNERS FOR AN AMOUNT HIGHER THAN WHAT BERLIN TOWNSHIP HAS RECEIVED FOR THOSE GRAVE SITES. THIS APPLIES TO ALL BERLIN TOWNSHIP CEMETERIES.

Motion: O’Brien

Second: Bullard

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

Bullard said Foor sent some pictures of graves with overgrown grass and suggested that the money we received from the grant be used to weed eat it. Foor said the last time it was done was 3 years ago when he did it.

Fire Department – O’Brien said the new fire chief was sworn in at the open house on Sunday. They also honored Larry Buell for being the township cemetery sexton for 60 years. O’Brien said he sent Smith the invoice for Dyann McDowell and she only charged \$1,500 for the work she did for us and appreciated all she did, that she was very knowledgeable. Bullard said since it was raining they noticed the gutters leaking and he and Carr took a look at it and Carr would see what it will take to fix them. O’Brien said the cement at the apron is also starting to crack so that will need to be fixed. He said part of the fire station was also built over the area where the old Berlin School was and there is some sagging and will need to be fixed before it gets worse.

Road Department –

2022 Road Improvement Program – Bullard said we would discuss this at the November 8th meeting.

Temple Bond – Bullard said they received a letter asking for a five-year extension which is due by the end of the year. He said he feels for them and understands but like everyone else they have to pay their taxes. O’Brien said he doesn’t think they should get an extension but he thinks the amount is too high. Bullard said that was estimate by the county to put in a turn lane. He said they are not putting in a turn lane, they are widening the road and using this money to help fund the road widening and it will be a much better road. O’Brien said they got a letter of credit and if we would not have completed the road by December 31st they would have been scott free and they would not have to give us anything for the future so we were required to get it done and they didn’t come to us ahead of time. Bullard was going to talk to the prosecutor about it as well as get the auditor and treasurer involved.

Trustee Item - Nothing

Zoning Department -

Set Hearing Date for Buckeye Swim Club –

**RESOLUTION
21-10-18**

**MOTION TO ACCEPT RECEIPT OF APPLICATION BZC 21-003
BUCKEYE SWIM CLUB AND ALL NINETEEN EXHIBITS**

Motion: Bullard

Second: O’Brien

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

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Smith said they could have the hearing on November 8, 2021 as zoning approved the minutes on October 12th. O'Brien said we can't have it before 20 days from today and no longer than 30 days.

RESOLUTION 21-10-19 MOTION TO HEAR BZC 21-003 BUCKEYE SWIM CLUB ON NOVEMBER 22, 2021 AT 7:00 P.M. AT THE TOWNSHIP HALL

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

Public Comment – Leon Roberts said he lives in Berlin Manor and has some issues with the developer, John C. Wicks and is afraid that when the ownership of the development is turned over to the HOA they will be in a bad financial position. He said he has lived there a year and has not gotten any HOA dues. He said he is not impressed with the developer as the homes are not cheap and came here for help. He said he knows enough to know that the developer is to ensure that HOA is supposed to be financially in a position to sustain it's self for the first year. Bullard said they have not legal authority to do anything with the HOA. When the application comes to them they look at when the HOA is turned over to the residents and that is typically in the 75 to 80% build out. They are no where near that now so it will probably be another 3 or 4 years. The developer usually holds onto it until then so they can set the fees and dictate how the money is spent. O'Brien said they usually hold on to one lot and then they hire themselves to do the mowing and landscaping as the company is owned by them. Roberts said he talked to the zoning inspector who said he can't do anything until it is out of the development. O'Brien said he is not sure that is totally accurate because we don't have the ability to tell him what to do because of the separation of power.

Roberts said the zoning inspector told him that after John Wick is done with his thing that he is going to enforce that John Wicks is abiding by what the BZC approved plan and if he does not then he is not going to be able to get other bonds for other developments in this township. O'Brien asked what happens if it is not met who is going to put in the fountains. Roberts said two of the fountains are in. O'Brien said we can not do anything but he can sue Wicks.

Future Meetings-

- 11/08/21 Trustee Meeting**
- 11/22/21 Trustee Meeting & Buckeye Swim Club Zoning Hearing**
- 12/13/21 Trustee Meeting**

RESOLUTION 21-10-20 MOTION TO RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22 (G)(8) TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUES, TRADE SECRETS, OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE- THREE TRUSTEES, FISCAL OFFICER AND MEGHAN RAEHLL TO ATTEND- 8:12 P.M.

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

RESOLUTION 21-10-21 MOTION TO RETURN TO REGULAR SESSION- 9:15 P.M.

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

Bullard "We met in executive session and no decisions were made and no actions were taken".

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Late Items- Bullard said he would like to give one of the available laptops to Meghan Raehll in anticipation of her taking the trustee position January 1, 2022 and to generate a township email for her so she can have access to the 2022 organizational meeting notes. O'Brien said he was okay with that and he also told the fire chief to come and pick up one. Smith said he would take over the current fire chief email.

**RESOLUTION MOTION TO ADJOURN
21-10-22**

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

Meeting adjourned by Chairman Bullard at 9:21 p.m.

Ron Bullard, Trustee

ATTEST:

Ken O'Brien, Trustee

Claudia Smith, Fiscal Officer

Tom D'Amico, Trustee