THE PERRY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

held on March 1, 2021

Meeting was called to order by Trustee Wynne at 6:00 p.m.

Roll called Trustee Wynne, Trustee Hartshorn, Trustee Mears

Trustee Wynne stated this meeting has been called because we have a glitch. In the acceptance of the bid for our mowing contract, there were several stipulations that were made initially in the printed ad that called for bids that went into the newspaper as announced. Three bids were disqualified because they did not have the proper address on it. One bid came in with an incorrect format, the other bid that was voted on and accepted was not incorrect format but was not broken down specifically according to the instructions in the newspaper that said each cemetery needed to be broken down individually. So what has happened Doug is we awarded you the bid, the services we are looking for at the best rate and availability but in listing all four of those cemeteries because each one was not specifically named with a dollar figure some folks have called in and questioned the legitimacy as accepting your bid as well. So we now have three different options we can work with.

One option that has been approved by legal, OTA and various other places because the cemeteries were broken down individually by name but the dollar figure was inclusive of all four we just go on the assumption that dividing by four is the cost per cemetery and according to semantics that is acceptable. The second option is we go with the second bid that was offered however there are some restrictions that may or may not have been the best choice, the third option is to tank the bids all together, start over again from square one and reaccept bids that would be however be financially rough for the township to do because it is very expensive for the postings and listings and everything we go through. We are faced with a challenge now that the three of us will discuss tonight in open forum and if there are people that have comments we will accept them and discuss those three options and decide what is the best one to go with and best for the township in the long run based on now what we have to work with.

Trustee Wynne stated I know you have put out some expenses based on this and I’m sorry and I hope it hasn’t been anything to terribly painful. That doesn’t mean you don’t have the bids just right now we can’t say that we are going to sign the contract tonight until we have gone through all the options and the only way we can discuss anything is for all three of us to hold a meeting to discuss.

Doug stated OK

Trustee Wynne at this point Missy, Jason the floor is open.

Trustee Hartshorn stated Karen informed him that she gave you the stuff that I sent this afternoon. Trustee Wynne stated she did.

Trustee Hartshorn stated that provided a very interesting fourth option. When we initially went through the bids the bid from the township that our road maintenance crew wrote up wasn’t necessary reflective of the work. Had a conversation with Mr. Millhouse regarding the level of effort, man-hours it takes to do mowing and trimming and everything else to get a better idea because I didn’t get an opportunity before and I really should have. He told me how many man hours it would take approximately for two people one day mowing and one day trimming. When I looked at the numbers, the township calculated the numbers were off based on that standard. And also we didn’t have anything written down or tracked to show that after the initial purchase of the equipment the cost goes down substantially in the following years cause we don’t need to buy the mowers, don’t need to buy the trailers, don’t need to buy a number of things that really push that cost and when the man hours were brought into what it takes per person that has the job previously the number were very competitive with the two bids we did receive but it didn’t have a leg up for anything for the first year because the price went down substantially as we already owned the equipment at that point. I felt it was part of my due diligence to provide the numbers based on my conversation with Mr. Millhouse and well as the understanding if we were to make an initial purchase of the mowers and trimmers and the trailer we only have to do that once so that did provide some insight into what the township could do to provide good service while insuring a low cost over a multi-year average and wanted to put this out for the other trustees and
say look we didn’t consider this the first time around because the number was so high from the township perspective but the reason it was so high was because the number of hours that were calculated along with the pay rates of the people involved skewed the number a bit so with that said it does provide a competitive alternative it is that something we want to look into.

Trustee Wynne stated I don’t know if we can add that fourth option after we opened it for a bid because once we invited the public to submit their bids can we then turn around and say we decided to do it ourselves.

Trustee Hartshorn stated we did not get the write up from the township road department until that night or I didn’t get it the night until I opened the bids so it was on par on everything else we looked at and because of that I didn’t necessary take the opportunity or have the time to look at it critically and see there may have been some gaps in it or some numbers that were unintuitually greater then what they should be.

Trustee Wynne questioned were those numbers submitted because the road crew has an interest in absorbing this as part of their role since they have a lot on their plate right now.

Trustee Hartshorn stated I know and that is a question I have not asked and was hoping Mike was on. Mike are you on?

Mr. Kraft stated yes I am.

Trustee Hartshorn so basically the number that you gave us was a three-man crew working a 24 hour each per mow. Mr. Kraft stated correct.

Trustee Hartshorn stated when he talked to Mr. Millhouse he informed me with himself and another person it would take approximately 16 hours to mow that would take 2 people one day and take two people one day to trim for a total of 32 hours to mow across the four cemeteries. I looked at your write up a little bit differently and kept your numbers you had and have a spreadsheet with all your numbers and the two bids that we received plus yours and added another table that showed a modified cost based on reduced man hours as required per mow plus the fact that after the first year the mowers, trailer weed eater would be owned and much cheaper than that have two people mow and trim on concessive days per mow.

Trustee Wynne stated quick question when you say two people at 8 hours and its done in one day are you talking about one cemetery or four cemeteries.

Trustee Hartshorn stated all four. I talked to Mr. Millhouse he told me to mow Eversole and Pleasant Hill took 5 hours each, Pymont took 4 and Landis took 2. To trim Eversole and Pleasant Hill took 5 hours, Pymont took 4 and Landis took 1.

Trustee Wynne stated when we have a typical summer day in Brookville, Perry Township and the other side of it regardless its going to 90 degree and muggy your not going to get all that done in one day so you are going to have to account for (inaudible)

Trustee Hartshorn stated the hours stick regardless how many days you chop it into. The thing here and it was something that was said by one of the residents that resonated with me which was the best deal for the township and the residents and when I was looking at it from a monetary respective I would be remiss if I didn’t submit this as an alternative based on the numbers we already had. Just a slight modification in line with the assessment of what it truly takes to do the work verses what we had in the initial write up.

Trustee Wynne stated financially Mr. Kraft if the road crew ends up taking over the mowing of the cemetery what would that take away from time wise as far as the Wolf Creek Watershed coming up and road repairs and any other duties what would be impacted by adding additional task our wise or financial wise.

Mr. Kraft stated whatever comes down with whatever projects we got so we just got to make sure we keep 3 to 4 people whether it be 2 full time and 2 part time so we can spread them out. If we have a road project, we would send one to start mowing and catch up with them just like a funeral if we have a road project going on and we get a funeral call we need to pull away and go do the funeral. Same way as this we just have to manage our time. That is the best way to describe it.

Trustee Wynne stated in what we save in one aspect we may end up spending overtime or extra in the others.
Mr. Kraft stated that could be but depending if you get a week of rain and get behind it might take some over time to get caught back up. When you are relying on doing as far as outside work and Mother Nature, it could be cruelly you just got to be time management and work around it and do what you can.

Trustee Mears said Mr. Kraft you stated you might need to hire two more part time people.

Mr. Kraft stated no, no we need to at least keep three on like we got now and possibility hire a part time summer help possibility but it depends on our work load. This year we do not have an issue II project so that's not going to pull us away but we will have other work to do but like anything else if something comes or a phone call comes in we take care of that and then go back. We have done it before and we can do it again.

Trustee Mears stated I know Dave is like Karen he can have so many hours so I don't know how many hours he has already.

Mr. Kraft stated Dave can have more because he can have a full which we do not work him so much and he is off some days here to save the hours but he can work more than Karen because he is not restraint on the money wise so he can work his full 1500 hours.

Trustee Hartshorn stated he did not even consider a part time person but a part time person would bring the cost down even more because right now because between Randy and I took Mike off and it would have been Randy and Dave is who I used because of the price per hour they earn and the time it would take would be a considerable savings. If you then take half the time off from either one of the two to add someone or to take one of them off the price is going to come down again cause I guarantee you when somebody comes in and works part time during the summer is not going to be making what Randy and Dave makes. This is another benefit, as part of the consideration to bring someone in part time to help with this the price would come down further.

Trustee Wynne asked Trustee Mears if she had anything to weigh in outside of option four.

Trustee Mears questioned if this part time person would they be using our trailer, mower and truck or are we going to have them do that and haul that themselves and how is that going to work.

Trustee Hartshorn stated this was all based on the township estimate of buying the equipment and using our own so whoever would be involved would be riding with someone who is pulling the trailer. It would only be required two people efficiently and that would be two people to work cemeteries or work the funerals or anything else and they could spend the other two guys off that work if something hits and we need the manpower. It's a viable option and I do agree with what Mindi said that we run this through OTA and legal. Leaving room for interruption can be iffy and there's no constraint on how everyone will interrupt it and the naming of the four cemeteries the night I read and opened the bids while the price was not segmented but the cemeteries was and that looked like it fit what we had in the ad and I didn't have a problem going to legal and saying am I right because I'm fallible and everybody is fallible to make a mistake but we were told that we were within the lane, we were not out of bounds and within the lane and we could persist. The question here becomes we have a couple viable options and it depends between the constraints and the cost and issues like a week of rain. There is no perfect equation to figure this all out. I am comfortable discussing the options we have. I'm not leaning one way or the other I just want to make sure given the right numbers can actually pay dividends. I understand there could be issues with manpower, another COVID spike, funerals increase and our maintenance team gets pulled several directions and sometimes the cost is offset by risk management so having somebody from outside do it there is no constraint other than the terms of the contract, needs done and does not matter if there is 10 funerals per week. Open to multiple options on the table and willing to talk through each one of them because we are well within the lane to do any of the three.

Trustee Mears concern is and I would like to get this awarded and who are we going to find to mow and are they going to be dependable when we already got Mr. Gayman and I was very impressed with him and everything he submitted.
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Trustee Hartshorn stated with the township doing it there is risk there. You don't know what could happen over the summer. Lower cost over multiple years but it is risk laden and open to discuss the other two options.

Trustee Wayne stated she is not a fan of our road crew taking that on unless Mr. Kraft and the road crew wants to convince me otherwise but I would rather contract it out to somebody who reliably can set a date a schedule a time to have a reliable schedule so our road crew doesn't have to get pulled from something else because somebody is unhappy that their cemetery hasn't been mowed in 3 weeks. Our road crew has a lot on their plate right now, I know Mike said we don't have the same projects that we had but we have a lot going on that they do an amazing job at what they're doing and do we want to add more stress to another job so everything else is an ok job.

Trustee Mears asked Mr. Kraft I know during the summer you get busy with footers and mow the roads, funerals and mowing at the administrative building do you think you would have time.

Mr. Kraft stated we used to do it before but we did not have the two cemeteries Eversole and Providence but it comes down to whatever you trustees feel is right and money and it can be done and make sure we have three on or at least two and one can rover. We have done this before and at one time I said we might have to go back to doing it again.

Trustee Mears stated if Dave and Randy mow are you going to mow the roads and what happens if it rains or funeral then the cemeteries don’t get mowed will over time need to be paid and not because of any of your issues but because of the funerals and roads.

Mr. Kraft stated on a funeral you set up then you have down time where you can be mowing and it is time management. Nobody knows what their work load is going to be and when the work load comes in you get to do time management. It might of took Jeff two days to mow it might take the road crew three days to mow. We will have two mowers and have talked to Clay Township and what their time line was. There might be some overtime there might not and I can’t answer that. If it rains like two summers ago and its wet we mow what we can and might need to leave some go since it’s not worth tracking and tearing the cemetery up and go back and get it.

Trustee Mears stated vacation time since Mr. Kraft takes time off in the spring for planting and I know Randy wants to take off and that’s another option we need to look at. If we go with an outside person, that person is not going to take a vacation they know they have to do this.

Mr. Kraft stated usually two of us are not on vacation and if it’s like Jason said there will be two people. Whatever trustees decide and gets threw at us we will do whatever we need to do.

Mother Nature can be cruel; it can be kind and we can have a drought year and not mow that much. An average of 20 mowing's a year.

Trustee Mears stated if it is a drought year we won’t be paying the outside person either.

Trustee Hartshorn stated there is another bit of information I garnered from Mr. Millhouse.

A lot of cemeteries like Clay Township they spray weed kill around their headstones and we don’t. We trim, Mr. Kraft stated that is correct. When Trustee Hartshorn looked at the bids submitted by Mr. Sampson all their stuff was weed kill. They had three different kinds of kill to put on to manage the grass and had I known that, prior to opening the bids that is something I would have considered. It said in the advertisement to trim around the headstones and the cemeteries. Knowing that now I am happy for the slight reword that bid would not of been a good fit.

Mr. Kraft stated if he remember what you said you were confused on the number and had an individual bid per cemetery and the total and dropped down and charged this much and that is where it got confusing. If he charged extra he will mow and trim that was in the bid in the paper.

If he would spray, he would charge so much for that cemetery to spray around the headstones. Total kill was one of them around the headstones. Mr. Kraft did that once but it rained and ran on the hill and looked bad and that's why I never sprayed. The way he had it broke out he would mow and trim for $825.00 but if he did any other work there would be a charge for each cemetery.

Trustee Hartshorn stated there was three cost per cemetery per mow and looks like a one-time cost per cemetery and how I calculated it up for a pre-emergent application, weed kill and total
kill. Three different applications per cemetery at a fixed rate per cemetery for each of those and nowhere does it say trim it says mow.

Trustee Wynne stated the availability for Mr. Sampson is only Monday and Tuesday so if it storms Saturday and Sunday then he can’t mow on Monday and Tuesday and go a whole week with the potential the grass needs to be mowed again. He also has himself, another person and two from labor ready. Don’t know who is familiar with labor ready but they have 5 to 10 additional people with grass cutting and trimming available anytime. They don’t always have people available and ready at any time so labor ready is not hired its day hire and would need to call in the morning and that does not guarantee that he will have people available when he calls. He quoted the weed kill and didn’t mention the trimming. Workers Comp begins April 1, 2021. Mr. Kraft stated if he is hiring from labor ready they are paying that and if you are self-employed you do not pay workers comp.

Trustee Wynne stated he may not be able to have those people. Those are not guaranteed people. Mr. Kraft stated Jeff Millhouse mowed Tuesday and Wednesday and if it did rain he would try to mow Saturday for the catch up day. That time is when you like to be mowing but if it does rain you have a catch up date and not over booked.

Trustee Wynne stated he does not mention flexibility and would like to understand what it means. Workers Comp begins April 1, 2021.

Trustee Mears said he states Monday and Tuesday.

Mr. Kraft stated if he hires somebody himself other than an outside of an employment agency he would have to pay that. Discussion regarding workers compensation and who would pay.

Mr. Gayman stated what he is saying is he does not have workers comp yet and if he does hire then it will be available in April 2021.

Trustee Wynne stated that what she was thinking it mean and hes not going to hire but use labor ready.

Trustee Hartshorn stated this might be a boiler plate response and he likely has that for everything that he bids based on how many bids he wins gives him the flexibility to hire verses labor ready if he needs extra manpower so a lot of times this is just boiler plate put in there so we know.

Mr. Gayman stated he bought a few mowers since he thought he was awarded the contract since the quote was signed and sent back. I was never told it needed to be broke down per cemetery.

Mr. Kraft stated it was in the bid.

Mr. Gayman stated he never saw the bid he was verbally asked and turned it in and verbally asked did I fill it out correctly and I was told yes I did. Poor communication since I followed up and asked is this exactly how you want it. Hopefully it can be broken down evenly between the four.

Trustee Mears stated per our legal counsel you did break it down correctly.

Trustee Wynne stated per our legal counsel said how you made our proposal and other options as well is unfortunate that you are a victim of semantics and we had several bids we had to throw out that were not exactly to the rules because they were addressed incorrectly. There is a movement on the table that yours should be disqualified because it was not broken down by cemetery. You did break it down by cemetery but you did not give it an individual price quote per cemetery. What is the definition of that was written in ad in the Star and the bid. You did call the township office and say did I do it correctly and whoever you spoke that kind of where the responsibility of all of this would lie. You called you were asked you did it correctly.

Mr. Kraft asked who Doug talked to.

Mr. Gayman stated he followed up with (inaudible) and I would like to say on this hearing the trustees concerns on pros and cons I am going to say I am available 7 days a week. Has been mowing for over 20 years, not over booked, a juggling task with rain, broken down mowers and trucks and run multiple trucks and mowers as back up, schedule is flexible for rain and breakdowns. It will always get done for the price and no overtime. Lives across the street and wants to see that cemetery look especially good and take pride in my own community.

Trustee Mears stated Doug and his wife walks through Pleasant Hill cemetery and pick up sticks or flower arrangements and know you have the best interest.

Mr. Gayman stated I want to see Brookville, Perry Township and this community be better.
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Mr. Kraft stated he needs to know so he can have a conversation within to let them know to make sure they look at the bid and do it correctly from this mess and can you remember who you talked to.

Trustee Mears stated right now what does it matter.
Mr. Kraft stated he wants to address this to make sure someone in the front office is taking this to make sure things are taken right. My opinion on this situation the way Jason is saying there is discrepancy on all five bids and to be fair about it is to go out for re-bid. The contract has been on his desk and could not get filled out because the written insurance was not handed in or individual bids on the cemeteries. The fair thing to do would go out for bid.

Mr. Gayman stated Mindi said his bid was ultimately being correct and you signed and sent back.

Trustee Wynne checked with Nathaniel and other townships and OTA and it is acceptable.

Mr. Seim stated it was checked to make sure it was filled out correctly. How can that be when the bids had not been opened? How did they know it was not filled out correctly?

Trustee Wynne stated the outside of the envelope wasn’t correct. Mr. Seim stated he is asking about the inside and you would not know if it was filled out correctly and broken down by cemeteries there would be no way of knowing that when the bid had not been opened yet.

Trustee Wynne stated because we could not get past the incorrect address. Mr. Seim you are not incorrect and I thank you for questioning this whole process and it is an unfortunate situation in that there is no good answer.

Ms. Kayler stated those bids did not get opened till that night. Envelope is in my hand where he addressed to Perry Township, Attention: Karen Kayler, 3025 Johnsville Brookville Road, Brookville, OH 45309 mowing quote.

Trustee Wynne stated the ones Dale is asking about is not the ones that was not open. There was three that were dismissed and never was open because the addressing of them.

Ms. Kayler stated they were not addressed to me.
Mr. Seim stated there would not be anyway knowing if they were bid individually because they were not open.

Trustee Mears stated we already accepted Douglas Property Management his quote, we have legal counsel, gentleman lives in Perry Township, has no issues with him, Mr. Sampson I don’t understand his bid, there is some things that worry me about the Monday and Tuesday and I understand about our road crew mowing but when summer comes it may take them a few days to mow all the roads and/or pull them off from a funeral so my opinion we stay with what we said.

Per legal counsel they said it’s good to go.

Trustee Wynne stated this is a learning experience and legal has said semantically it can go either way and will never know what was in the other envelopes or an option. Road crew taking any more work is the best opinion due to external circumstances that come into play and the health and well being this is to be a hot summer. Two options are on the table, Douglas and Sampson.

This time around I will choose Douglas over Sampson
Trustee Hartshorn stated he concurs. Valid questions were asked, looked back, new information and lessons learned. If you want something is a specific format you provide the format as a template and need to look at all future bids. The way we want to receive it is the way we need to define it. Extra wording does not need to be in the bid but stop by the township and pick up a packet that has all the required information and template for response. Once this is done then gaps are eliminated and Perry Township becomes efficient. I concur on Douglas Properties not on price but on naming the four cemeteries separate.

Trustee Mears concur as well and appreciates everyone voicing their opinion.

Resolution 2020-31 Accept Douglas Property Management

MOTION was made by Trustee Mears
Trustee Wynne stated I don’t know if we need a motion but I will second

Second: Trustee Wynne

No roll call, continues with discussion
Trustee Mears stated to cover us since this was brought back up since residents are questioning. Trustee Wynne stated we were put in a difficult situation and apologies for having to step away from that part of the meeting. Reviewing the meeting she had concerns and questions and brought up by Mr. Kraft and a day later brought up by Mr. Seim I realized we were in a situation because things were not the way they could have been and not in a way they should have been but they were ok the way they turned out legally. In the long run someone will be unhappy about this what do we have to back us up on the decision and it came down to semantics and how people interpret things and written. Discussed options and reasons and going with the initial thought that is the best and easiest and financially decision.

Trustee Wynne questioned the FO if the board needed to go with a vote.

FO Behnken stated in the legal ad it stated one, two, or three years and that was not put into the resolution during the February 9 trustees meeting.

Trustee Wynne stated that was written in the contract until Mr. Gayman determination of the decision of the township. That would be the trustee’s decision whether one, two or three years.

Trustee Mears stated she has not seen the contract so I don’t know what the contract reads but for the first time I would award for one year.

FO stated that was in the legal ad in the paper.

Mr. Kraft stated you can extend the contract if both parties agree.

Accept the contract for one-year and after next year the board renews or invite to re-bid and award Mr. Gayman the contract.

Trustee Mears stated she would like to see a copy of the contract.

Mr. Kraft stated it is on Ms. Kayler’s computer.

Trustee Wynne asked Ms. Kayler to send the contract in an email to all trustees.

**Resolution 2020:32** Continue with the contract as previously discussed with Douglas Property Management for the term of one-year at which point in time we will re-negotiate or re-open the bid to anyone again to apply and invite Mr. Gayman to reapply at that time

**MOTION was made by Trustee Wynne**

**Roll was called:** Ayes- Mears, Wynne, Hartshorn

**Second: Trustee Hartshorn**

**Nayes- None**

Mr. Gayman stated trimming will be done every other mowing.

With no other business, at 7:02 p.m.

**MOTION by Trustee Hartshorn “To Adjoin”**

**Roll was called:** Ayes- Mears, Wynne, Hartshorn

**Motion so moved**

[Signature]

Rhonda Behnken

[Signature]

Second by Trustee Wynne

Nayes-None

[Signature]

President, Trustee