THE PERRY TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

held on December 8, 2020

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Zoom Meeting called to order by Trustee Mears at 7:00 p.m.

Pledge of Allegiance

Roll call:
Present: Trustee Mears, Trustee Harshorn, Trustee Wynne
For the Record: FO Behnken, Zoning Administrator/Office Assistant Karen Kayer, Road & Cemetery Supervisor Mr. Kraft, and Chief Littleton

Resolution 20:142 Approve Minutes from the Board of Trustees Meeting November 10, 2020

Resolution 20:143 Approve Minutes from the Work Session November 24, 2020

Resolution 20:144 Approve Minutes from the Special Meeting December 7, 2020

Resolution 20:145 Approve Payment of Bills from Check #35726 to check #35806
Electronic Payments and Vouchers.
See Attached Accounting and Payroll Payment Listing and Cash Summary by Fund

Resolution 2020: 142 - 145 Approve Minutes and Payment of Bills

MOTION was made by Trustee Wynne
Second: Trustee Hartshorn
Roll was called: Ayes- Mears, Wynne, Hartshorn
Nayes- None

Fiscal Officer Reports

Emergency Operations emailed to Montgomery County Office of Emergency Management in regards to the Emergency Resource Field Inventory list for Perry Township. FO emailed stating all emergency equipment is the same from 2018.

2020 UAN Year End December 1, 2020. Fiscal Integrity hours reported.

Sheep Road paperwork is being processed for final settlement.

OTARMA Board Members.
Trustees have not decided at this time. Trustee Hartshorn will send an email with the names he selects.
Board of Directors will be discussed at the year-end meeting.

OTARMA Annual Renewal Questionnaire completed. Currently the township has a 4 million-coverage. FO requested a 3 million-coverage cost to review. Due April 2021.

Emailed Montgomery County Auditors on December 2 and December 8 requesting the calculations.
Received return email today, should receive calculations later this week.

Fire/EMS Levy Primary Election May 4, 2021
Special Election – Perry will need to pay the full cost.
FO recommends waiting for November General Election 2021

Updated Phone Directory for Building (or) Development 2021. FO emailed Ms. Kayler for any additional information included. Ms. Kayler agreed to the changes and no additional information.
99 International alternator replaced and belt
2001 New front Tires, tie rod and oil line

Avden Drive: Culvert crossing to pave. Will use County’s Hot Box.
Theornapple Road culvert settled. Asphalt before winter.

2020 two road projects and increased cemetery work

**Resolution 2020:146** Approve Mr. Mears and Mr. Steffy pay from $15.50 per hours to $16.25 per hours (increase of .75 cents per hour) and Mr. Robbins pay from $18.00 per hours to $19.50 per hour (increase of 1.50 per hour)

**MOTION was made by Trustee Hartshorn**

Roll was called: Ayes- Wynne, Hartshorn

Abstain-Mears

Second: Trustee Wynne

Nayes- None

Mr. Kraft addressed Trustee Wynne regarding Thanksgiving pay in the ORC (2) it states, but nothing is in the policy handbook (2) those who do not report to work the day before, the day of, or the day after the holiday due to an illness of the employee shall not receive holiday pay. Unless the employee can provide documentation of extenuating circumstance that prohibited the employee from so reporting to work.

Trustee Wynne stated, “Do as you will and what’s done is done and need to watch in the future and what’s in the handbook is not corresponding with the ORC. With multiple years of Labor Law that was one of the things that caught my attention. Generally and according to the ORC that Trustee Wynne sited if you do not work before and after a holiday there is no other workdays in that week even with the letter with extenuating circumstances holiday day pay does not apply one generally needs to use their sick hours.

Mr. Kraft questioned if he provided a letter, which he did. Mr. Kraft can understand if he wants to take the day off before and after a holiday but feels he had a good reason to be off and the ORC states that.

Trustee Wynne stated she is not disagreeing.

Mr. Kraft stated history for 38 years they have been paid whether they had a day off before or after. Trustee Wynne stated history in this township has been quite squid for a long time and it’s not that we are happy about doing things the way they need to be done because we didn’t come in to barrel in and change everything that’s been done for x number of years but there are a lot of things that have been done incorrectly and illegally and if we are going to start doing things by the book because there are people that are saying we need to do things by the book and that’s going to apply to everything and including how people get paid.

Mr. Kraft questioned Trustee Wynne if she looked at the paragraph that states if Mr. Kraft provides a letter of extenuating circumstances which Mr. Kraft did then I am paid for that holiday.

Trustee Wynne stated that is why I told Rhonda she could leave it and that is the discretion of the employer but I did tell Rhonda not to make any changes and she could leave it and it was up to her how she wanted to handle it because she is the fiscal officer but in the future we do need to be aware of our timesheets and how we are receiving pay. That is something that has been scrutinize in the past and will be again and there are policies that are way outdated from the ORC and it’s a real hard thing for Jason and Mindi coming into this to be told by OTARMA and OTA you have to do things a certain way and be told by township people but we have always done it
Mr. Kraft addressed Trustee Hartshorn stating today when he contacted Mr. Kraft at 12:10 pm this afternoon, placing Mr. Kraft on administrative leave, and said that Mr. Kraft had to use his sick time or vacation time. Mr. Kraft spoke to his caseworker who stated the township needs to pay Mr. Kraft and not use his leave time. Trustee Hartshorn will get with legal counsel since this went through legal counsel and the ORC.

Trustee Hartshorn stated if Mr. Kraft wanted to contest that's understood. Mr. Kraft stated he is going by his council and the American Disability Act. Trustee Hartshorn stated the gap her and since you opened the can I will pour it on the plate. What the issue here is you have been asked to provide.

Mr. Kraft stated with COVID it is hard to get. Mr. Kraft stated he was released and understands that is not sufficient and it was the choice of the township to put me on administrative leave and it is up to the township to pay. Trustee Wynne stated she has it in writing and Trustee Hartshorn spoke with legal council earlier and stated there is no policy.

Trustee Mears questioned if the illness Mr. Kraft has is a disability. Mr. Kraft stated the caseworker handles several cases.

Trustee Hartshorn stated the trustee’s intention is not to push you out. Trustee Hartshorn made it clear to keep Mr. Kraft in the position he is while be in a reduced physical role with any limitations Mr. Kraft may have and before the trustees can make an informed decision, have a conversation, and work with Mr. Kraft through those limitations through the American disability act the township is protecting Mr. Kraft from civil and personal liability and protecting the township from liability and all has been through legal council.

Trustee Wynne stated if you are not physically working you cannot be paid through the township.

FO Behnken questioned Trustee Mears on a policy manual the FO received from Clay Township from 2018 that Trustee Mears was in the process of writing for Perry Township. Trustee Mears stated she has a video call with Lexipol for a demonstration.

See Attached Email.

Trustee Hartshorn addressed an email regarding tires along the roadway.

See Trustee Hartshorn report for Mr. Kraft’s response

**Police Department** (See Attached Report)

Resolution 2020:147 approve hiring Dakota Cox, Part Time Police Officer, effective date December 7, 2020 at a pay rate of $10.00 per hours during FTO status.

MOTION was made by Trustee Mears

Roll was called: Ayes- Mears, Wynne, Hartshorn

Second: Trustee Hartshorn

Nayes- None

Chief Littleton discussed the fuel stipend for Officer Waymire and the period the supervisor’s cruiser was delivered. Chief feels Officer Waymire is due the fuel stipend but moving forward the fuel stipend is no longer available. Trustee Hartshorn stated the amount is for $200.00. Chief agreed with the $200.00 amount. FO Behnken stated it was $250.00 and Trustee Wynne stated the board agreed to the stipend card and had already passed a resolution until the cruiser was in service. Chief Littleton stated there was some confusion due to the time the cruiser was delivered.
delivery and the function of the cruiser. Trustee Hartshorn stated we don’t need another resolution and this falls under the previous resolution.

December Police Stats available the end of the month. January 2021 a detailed report will be completed. Total dispatches, how many reports, traffic citations, what officers wrote etc.

Shop with a Cop December 12, 2020. Santa will deliver the gifts December 21, 2020 to the families.

Trustee Wynne questioned if police reports could be submitted to the Brookville Star. Officer Douglas is working with the Brookville Star along with the form to sit in residents driveways.

Zoning Report (See Attached Report)

Trustees Reports:

Trustee Mears: (No Report Submitted)

Helped at the Township Office
Talked with the Health Department
Demo with Lexipol this week regarding the policy handbook
Drove down Sheep Road
Attending Shop with a Cop
Purchased new flags
VFW only supplies flags for Pyrmont Cemetery
POW Flag dropped off for Pyrmont Cemetery
Will take old flags to McMakesn for the Boy Scouts
Received an email from FO to contact Mr. Bentely in Pyrmont

Trustee Wynne: (No Report Submitted)

Beckett & Varanese will attend the next work session with a presentation
Cleaning yards after storms
Driving and walking through Cemeteries
Reviewed Labor Laws and would like to talk with Department Heads and what their take and policies are and make it a team effort.
Covid, restrictions, and residents due your diligence during these restricted times.

Trustee Hartshorn: (See Report)

Trustee Wynne questioned reaching out to New Lebanon Fire Department to see if they have Hyper Reach.
Trustee Hartshorn has reached out to Chief Fletcher and is open to collaborating with Perry Township.

New Business:
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Trustee Mears questioned a date for Year-End meeting. FO suggested December 31, 2020 @ 10:00 am. Trustee Wynne and Trustee Hartshorn will check dates and email the FO.

Trustee Wynne has an old computer and would like to donate to the township and place in the office at the reception desk. Trustee Hartshorn stated for Trustee Wynne to bring in the computer and set it up and Trustee Hartshorn will look at it after the first of the year.

Old Business:

FO Behnken addressed the status of several past discussions during trustees meetings or work session.

1. Preserving Township Books. Trustee Hartshorn stated he spoke with the Brookville Historical Society and will reach out again due to COVID impacts.
2. Community Engagement Committees. Trustee Wynne stated a couple people have volunteered but due to COVID nothing more has been done.
3. Centennial T-Shirts. Not yet happened and not enough interest. With COVID and all the meetings Trustee Hartshorn and Trustee Wynne are attending but is still interested.
4. KLA Risk regarding Fire/EMS Contract wording. Trustee Mears stated she has not heard a response from New Lebanon and will contact each entity for an update.
5. Cemetery Masonry for PH Cemetery. Trustee Mears has not received a return call and will contact another masonry company.

Trustee Wynne stated Year End meeting she is not available until 12:00/1:00 pm.

Visitors:

Ms. Wells live at 21 Heckathorn Road and received a citation from Perry Township regarding an unpermitted in-ground pool. Based on the information Ms. Wells was provide she was told that a trustee was driving around and saw supposedly the unpermitted pool. Ms. Wells stated her pool is permitted through the City of Brookville her residence is located.
Ms. Wells requested the date of the complaint and if it is a typically to argue with their zoning officer after she explained that the question of property is in bound with the surrounding municipality. Trustee Wynne questioned who argued with the zoning administrator.
Ms. Wells stated the trustee who put in the complaint for the permitted/unpermitted pool.
Trustee Wynne stated after Ms. Kayler knew it was a city property it was resolved. Ms. Wells provided a copy of the permit so other residents do not have this problem.
Ms. Wells discussed other permitted projects and the 6' high fence and not being able to view the in-ground pool and if someone entered her property and looked over her fence.
Ms. Kayler explained no one is permitted to enter her property and has put into place how to review permits in the future. Ms. Wells stated her concerns is not with Ms.Kayler and was doing your job and duty. The fact remains whoever made this complaint against her property she has a 6' privacy fence that is permitted in the City of Brookville and cannot see Ms. Wells pool from the road is very concerned how this was done and brought to the attention to the zoning officer.
Trustee Wynne asked how Karen found out about it. Ms. Kayler stated someone called her and is not going to give out any names and do not think that is a good thing to do. Ms. Kayler stated trustees, former trustees; BZA Members are looking through the township to make sure we are doing what according to the Zoning Text. Ms. Kayler has a way to check so this does not happen again. Ms. Wells requested a date of the complaint.
With no other business, at 8:11 p.m.

MOTION was made by Trustee Mears “To Adjourn”
Trustee Hartshorn Second the motion to adjourn

Rhonda Behnken

President, Trustee
You received a form submission from Perry Township, Montgomery County Ohio:

Name: Barbara Seim
E-mail: seimba@aol.com
Subject: Tires along the roadway

I have left a message on the street departments voicemail, I have also left a message on a Trustee's voicemail but have not received a call back, nor have I seen any results. For most of the summer to current there are tires along township roadways. There is on in the 13000 block of Old Dayton and a large pile on Crawford Road, just south of Little Richmond Road. Whose responsibility is it to remove the tires, the Township or the County? Thank you.

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You received this form submission from your website.

Want them left @ locations listed
excavator to load - Dust tear up road.
12-08-2020

OFFICE ASSISTANT/TRASH/ZONING ADMINISTRATOR

OFFICE ASSISTANT

TRASH

I have received 1107 Trash Bill payments since the bills went out September 30.

There were 285 bills lost by the post office that has finally been sent in with payments.

Five (5) Trash Bills were returned not deliverable. I investigated these trash bills and mailed them out again. There are still 192 Trash bills that have not been paid.

ZONING

Permit issued: 1 Pole Barn   - 1 Shed  - 1 Portable Storage Unit (P.O.D.)

Currently, I have No zoning applications. I have mailed out 2 Zoning Applications last week for Pole Barns.

I am working on the finding out who owns the properties with the shipping containers on them.

11940 Wolf Creek Pike  – New Owner: Lorilea Copenhaver  Margaret Free Permit Expired 06/16/2004 Container still there.

2970 Sulphur Springs Rd  – Owner: Eric Kreitzer  I could not find a permit on file.

Brookville – Pyrmont Road  – Shipping Container with Bee-Hives No permit. This just showed up within the last month.

Harriet Street  - Shipping Container

Little Richmond Road  – Shipping Container with Travel Camper that someone is staying in. Checked it out Friday and it is still there.

Respectfully Submitted

Karen Kayler
Meetings Attended
- MVRPC TAC
- MVRPC Disaster Recovery

Ramp Project Update
- Ramps project is underway and is looking good!
- Update from Kramer & Associates is: The ramp project should be completed by March 1, 2021, to allow for construction inspection, closeout, etc. to take place by the March 31st deadline outlined in the latest revised Montgomery County CDBG funding contract agreement.

Township Website & Social Media
- I have been continuing to update the website and upload documents as required
- Continuing to manage the township Facebook page

TWP Office Network
- Wi-Fi router has been purchased and delivered
- I will be working on installation after the first of the year.

Hyper-Reach
- A poll to gauge resident interest was created on November 30, 2020.
- The poll was posted on the township Facebook page.
- So far: 20 residents in favor, 7 not in favor
- Doing additional investigation into additional alternatives and options

Resolution for Interim Road Supervisor
WHEREAS Perry Township wishes to ensure that the Road Department continues to perform its duties and responsibilities in a full capacity; and

WHEREAS Perry Township wishes to ensure the safety of employees of the Road Department;

THEREFORE Mr. Randy Robbins will serve as the Interim Road Supervisor, effective December 8, 2020 and will serve in the position under the job description for Road Supervisor.

Question for Roads & Cemetery
I have left a message on the street departments voicemail, I have also left a message on a Trustee’s voicemail but have not received a call back, nor have I seen any results. For most of the summer to current there are tires along township roadways. There is on in the 13000 block of Old Dayton and a large pile on Crawford Road, just south of Little Richmond Road. Whose responsibility is it to remove the tires, the Township or the County? Thank you

Mr. Kraft’s Response:
These are county roads. Old Dayton and Crawford tires are used for excavator when they need to cross the road as they cannot use the road with treads.