THE PERRY TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
held on August 11, 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 Hartshorn, Trustee Wynne
For the Record: FO Behnken and Zoning Administrator/Office Assistant, Karen Kayer present
Absent: Mr. Kraft, Road & Cemetery Supervisor and Police Chief Littleton

Moment of silence for past Trustee Steve Crowe and condolences to the family.

VISITORS: Kevin Williams, Liberty National Life Insurance
Mr. William reviewed the Liberty National Insurance policy for additional protection of benefits to the employees and reviewed surrounding businesses who are participating or meeting with to discuss the policy.

Trustee Wynne questioned if any employees were interested. FO Behnken stated she has spoke to several police officers who were not interested but still needs to reach out to the road crew. FO Behnken will continue to reach out to the employees and contact Mr. Williams.

Trustee Hartshorn stated there is several schedules to coordinate with and reaching out to Sgt. Hesler and Mr. Kraft if employees are interested. After work hour times can be set up to meet with Mr. Williams. Trustee Mears agreed with Trustee Hartshorn.

Mr. Williams questioned if he may meet with FO Behnken before meeting with employees to set up the legalities with the State of Ohio. Trustee Wynne stated after there is a definite interest.

Resolution 20:91 Approve Minutes from the Board of Trustees Meeting July 14, 2020

Resolution 20:92 Approve Minutes from the Special Meeting August 10, 2020

Resolution 20:93 Approve Payment of Bills from Check #35379 to check #35473
Electronic Payments and Vouchers.
See Attached Accounting and Payroll Payment Listing and Cash Summary by Fund

Resolution’s 2020: 91-93 Approve Minutes 20:91, 20:92, and Payment of Bills 20:93

MOTION was made by Trustee Mears
Roll was called: Ayes- Mears, Wynne, Hartshorn

Second: Trustee Wynne
Nayes- None

Fiscal Officer Reports

1. FO sent an email August 3, 2020 regarding a neighbor’s wooden privacy fence questioning if the trustees could address the falling sections of fence.
Some fence is standing, other sections laying down in the grass, and some about to fall.

Trustee Hartshorn and Trustee Mears drove past to review the fence issue. Trustee Wynne did not drive past.
FO questioned Trustee Hartshorn and Trustee Mears thoughts since they both drove past. Trustee Hartshorn looked into the Ohio Fence Law and did not know if the fence line is established or if the fence line would fall under the fence law. Trustee Hartshorn questioned where the property line lays according to where the fence is.
FO stated speaking to the resident the fence is on the neighbor’s or right on the property line.

Trustee Mears stated when she drove past it is a homeowner letting the fence fall down and not repairing. Trustee Mears understands when the person is outside she does not like the look of the falling fence and think there is anything the trustees can do since the fence is falling inward and not towards the neighbor’s property.
FO questioned if the trustees would like me to contact the resident and inform her there is nothing the township can do.
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Trustee Hartshorn stated before contacting the neighbor he questioned if anyone else has reviewed the fence law and if it does fall into the Ohio Fence Law. Fence Laws fall into the Board of Trustees or the Court of Common Pleas. The law is regarding fences that are on property lines and 2008 a law to do an equitable split. The BOT needs confirmation that fence is on the property line. Trustee Hartshorn will take action and coordinate with Karen Kayler where this needs to go towards zoning or a trustee position.

2. Wolf Creek Watershed Paperwork: The Ohio EWP Program Manager is reviewing the files that Perry and Vic have completed. Once the manager has completed her review, the documents will be uploaded to the National Program Manager to start the project agreement.
Due to COVID-19 the project can be extended if needed to October 1, 2020.
Perry Township in-kind work $25,591.00 with an amount owed of $2,119.00 to be paid from the road fund.
Update: Ohio EWP program manager is reviewing the paper work. The documents are being sent to the National Office to start the project agreement. End date for EWP project is 10/15/2020. Other area engineers have the same issue. Eventually will need an extension request letter from Perry Township.

3. Hartshorn donated May, June and July 2020 Salary to the General Fund = $2,841.24

4. FO met with KLA Risk Consulting. Every 3 years KLA will review procedures and recommend guidelines to prevent the township from insurance claims.

5. FO emailed the NL Fire Reports to trustees.

Reports from Department Heads

Road and Cemetery

Mr. Kraft and Mr. Robbins met with Doug Kramer (Kramer & Associates) and walked Sheep Road to review the 2020 widening and resurfacing details. Emailed Trustees Sheep Road Plans

Resolution 2020-94 Approve to Close Sheep Road for Issue II Road Project. Road Closures will vary due to dates road crew is working
MOTION was made by Trustee Mears
Roll was called: Ayes- Mears, Wynne, Hartshorn
Second: Trustee Hartshorn
Nayes- None

Resolution 2020-95 Approve to Hire David Steffey Part Time Road and Cemetery Employee
effective August 3, 2020 at a pay rate of $15.50 per hour
MOTION was made by Trustee Hartshorn
Roll was called: Ayes- Mears, Wynne, Hartshorn
Second: Trustee Wynne
Nayes- None

Berm Providence Road
Third Time Mowing Township Roads and Township Properties
Sprayer Cemetery Drives
Ordering Cross culverts and tile for Sheep Road Issue II
Annual Asphalt resurfacing through Montgomery County to be submitted by November 27, 2020.
Crack and Seal - Amity Road ½ mile east and ½ mile west of Clayton Road. This was scheduled for 2020 but due to COVID, Expenses and Budget the work will be resubmitted for 2021

Trustee Wynne questioned if dates will be submitted to place on Facebook Page. FO Behnken stated we can try but is very difficult due to weather, other roadwork and funerals. FO stated she would have Mr. Kraft contact the office and will forward to the trustees and place on the
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Facebook page. Trustee Hartshorn stated to put tentative dates and more pointed dates as they are worked so people know.
Trustee Mears stated in the past residents came in from Keener Road that were upset they were not notified and will make a generic letter letting the homeowners know we can’t give them dates but to let them know we are doing an Issue II Project and any questions they can contact Mr. Kraft. FO Behnken stated I am not able to provide tentative dates to the trustees and will need to contact Mr. Kraft for the information.
Trustee Mears stated she would compose a generic letter to send out to the Sheep Road residents. Trustee Wynne stated to notify the Fire Department when Sheep Road is closed. FO Behnken stated Mr. Kraft notifies the departments and will contact the school district.

Zoning Department

Trash payments sent in before August 2, 2020 are entered.
Permits: Two Garage, one Deck, one Shed and a Single Family Home.

Resolution 2020:96 Approve Pyrmont Light District with no changes in amounts from 2019.
MOTION was made by Trustee Mears
Second: Trustee Wynne
Roll was called: Ayes- Mears, Wynne, Hartshorn
Nayes- None

Working on BZA Meeting scheduled for September 3, 2020 and Trash Assessments that will be due September 14, 2020
Trustee Hartshorn stated the BZA Meeting would be on Zoom

Police Department

Resolution 2020:97 Approve authorizing political subdivision to participate in the State of Ohio cooperative purchasing program.
MOTION was made by Trustee Mears
Second: Trustee Hartshorn
Roll was called: Ayes- Mears, Wynne, Hartshorn
Nayes- None

Trustee Wynne stated the resolution sent is a model and questioned if the resolution would be designed for Perry Township and inserted in the spaces. FO confirmed yes the resolution will have Perry Township listed.

Resolution 2020:98 Approve Stephen Biscardi Salary of $19.00 per hour x 80 hours = $1,520.00
Salary rate effective July 13, 2020
Previous pay at $18.00 per hour.
MOTION was made by Trustee Wynne
Second: Trustee Mears
Roll was called: Ayes- Mears, Wynne, Hartshorn
Nayes- None

Trustees Reports:

Trustee Mears: (No Report Submitted)

Contact with a resident who is mowing and trimming trees and bushes at the Hicks property
Several conversations with Chief Littleton regarding safety issues with a resident.
Helped Karen with trash bills
Drove past several properties that were damages by the tornado and the fence issue.
Spoke with FO Behnken regarding the Issue II Sheep Road letter
Attended the funeral of past Trustee Steve Crowe

Trustee Wynne: See Report

Trustee Hartshorn: See Report
New Business:
US Army Corps of Engineers Public Notice regarding Wetlands on North side of Amity Road, owned by the State. FO emailed a map of the parking and trails to the trustees. Residents in the area have concerns with their wells, parking lot and wetlands. Trustee Wynne contacted a friend from ODNR and Five Rivers Metro Park who forwarded articles. Trustee Wynne’s questioned how the wetlands will affect the surrounding farms. The wetlands will reduce flooding around the surrounding farm areas and draw water towards that area. Provide habitat for wild life and how the wetlands will affect the wells around Amity Road. The wetlands will become a natural filtering system for underground water and benefit residents on Amity Road.

FO discussed the parking lot and the concerned residents in the area of the parking lot. Trustee Hartshorn addressed the hunting areas on the state ground and to collect questions to address the Corps of Engineers. Discussion was held on the location of parking lots. Trustee Hartshorn will contact the Corps of Engineers and asked Trustee Mears and Trustee Wynne to review as well and send any information to FO Behnken who will forward the information to trustee Hartshorn.

Old Business:

Resolution 2020-99 -Approve Revised Handicap Ramp Agreement between Montgomery County Community Development Block Grant Program and approve Trustee Hartshorn as the Delegate

MOTION was made by Trustee Wynne
Roll was called: Ayes- Mears, Wynne, Hartshorn

Second: Trustee Mears
Nayes- None

Visitors:

Mr. Hypes regarding 33’ x 260’ strip of land deeded to the Eversole Cemetery

FO researched documents and emailed to Mr. Peterson for review. There is no restriction on the deed or in the resolution/agreement from the Township selling part of the land constituting the Cemetery.

ORC 517.22 states that a Township can sell property from a cemetery, provided 517.22 is followed. This includes the removal of remains and stones/monuments. (None in that area)
The cemetery may be sold at public sale, which means a public auction. It cannot be sold privately to the farmer who uses it for access to their fields.
Surveyed and sold at a public auction.
FO questioned if the trustees would like to keep that portion of land since it have historical value where they parked the horse and buggy and carried the casket to Eversole Cemetery.
Surveying is estimated to $600.00 to $1,000.00, which would be paid from the Cemetery Fund, pay a public auctioneer to sell the ground from the cemetery fund and the money received would be deposited into the cemetery fund.
Trustee Mears voiced her opinion at the last meeting and stated no she is not interested in selling township property.
FO Behnken stated the cost for surveying and the revenue received the township would lose money.
Trustee Wynne stated at this time the township needs to preserve the townships historical areas and not separate.

Mr. Hypes stated he would offer to pay for the survey and knows an auctioneer so may not be much of a cost or any cost to the township. Mr. Hypes respects the idea of wanting to keep the cemetery for historical purposes.
Trustee Hartshorn is on the fence and wants to stay with the historical but understands the functional purpose it provides. At this time, Trustee Hartshorn would side with the trustees and table this and does not have enough information on the cost and will revisit next year.
Trustee Wynne stated if the funds would go into the General Fund but since the funds will go into the Cemetery Fund Trustee Wynne is not as pressed.
Trustee Mears stated it is a historical piece of land and it belongs with the cemetery and Mr. Hypes can enter his field in other locations.

FO stated our police park cruisers and county park equipment.

Mr. Hypes stated he cannot farm that area of land and wants to make it a better driveway and will be the same as now.

Mr. Hypes questioned a right of way to enter the field or when a house is built.

Trustee Mears stated we are not at that point. FO Behnken questioned if Mr. Hypes can access that field on Clayton Road. Mr. Hypes stated no. Mr. Hypes addressed the bridge on Old Dayton Road is dangerous to enter.

Trustee Wynne stated there is not a lot of revenue or enticement to bring people into Perry Township and may need to rely on historical tourism.

Mr. Hypes stated when he splits off that area of farm ground would the 260’ be included.

FO stated the Zoning Administrator would need to research.

Mr. Hypes addressed the erosion at the entrance and if an agreement written is needed.

Trustee Hartshorn asked Ms. Kayler to look into the issue and Mr. Hypes will stop and discuss with the Zoning Administrator Ms. Kayler.

Ann McDaniel from Keener Road feels she did not make whole from the Keener Road Issue II Project. Several issues with her property and properties that are residential as far as the grass, trees, stumps, speed and an extra telephone pole with no wires attached.

Trustee Mears stated Perry is not responsible for the pole and will need to meet with Mr. Kraft on the other issues.

Also a sign due to a dip in the road creating a blind spot.

With no other business, at 8:19 p.m.

MOTION was made by Trustee Mears “To Adjourn”

Trustee Hartshorn Second the motion to adjourn

Rhonda Behnken

President, Trustee