

REGULAR SESSION

April 14, 2009

Mr. Ferrell called the meeting to order at 6:00 p.m.

Trustees Timothy Coleman and Jeffrey Ferrell answered roll call. Mr. Dwelle was on vacation.

Mr. Ferrell announced that the next Regular Session would be Tuesday, April 28, 2009.

Mr. Coleman moved to adopt the agenda with the deletion of the minutes from the Work Session of April 7, 2009. Mr. Ferrell seconded the motion. All were in favor.

Mr. Coleman moved to approve the minutes from the Regular Session of March 24, 2009 and the Special (Budget) Session of March 30, 2009. Mr. Ferrell seconded the motion. All were in favor.

Mr. Coleman moved to approve the Financial Statements for the month ending March 31, 2009, and for the period ending April 14, 2009. Mr. Ferrell seconded the motion. All were in favor.

Resolution #2009-0040
AMEND 2008 CARRYOVER AMOUNTS

Mr. Coleman moved to amend the 2008 unencumbered carryover amounts to reflect 2008 purchase orders that were closed in 2009 as follows:

| | |
|--------------------|------------|
| General Fund | \$5,873.35 |
| Road & Bridge Fund | \$6.77 |

Mr. Ferrell seconded the motion. Under discussion, Mr. Coleman asked if this would be the final adjustment or will there be more. Ms. Schaefer said that this was a result of the 2008 Purchase Orders that need to be closed. The only additional amount will be for the Fire Department. Mr. Coleman asked if this was after the request was sent to close all unneeded purchase orders. Ms. Schaefer said that it was a result of the list presented at the last work session. Mr. Ferrell asked if all the purchase orders had been paid. Ms. Schaefer explained that if a purchase order were to be closed it would mean that there was nothing to be charged against it. If there was something yet to be purchased and paid, then the purchase order should be left open. Ms. Schaefer used the purchase order for the police cruisers as an example. It was left open until the invoice was submitted and paid which happened to be today. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes. Resolution adopted.

Cheryl Best-Wilke, Pennsylvania Avenue, asked if this was money that was allocated and not spent or if it was additional money that was needed to pay for the purchase orders. Ms. Schaefer explained that it was money that was allocated by way of a purchase order in 2008 and is not going to be spent. The purchase order needs to be closed. In order to use the money for something else the carryover amounts needed to be adjusted. The money will be back into the fund them came from.

Resolution #2009-0041
AMEND 2009 APPROPRIATIONS

Mr. Coleman moved to amend the 2009 Appropriations as follows:

| | |
|---|--------------|
| General Fund - Police | |
| 1000-210-323-0071 Repairs & Maintenance | (\$3,500.00) |
| 1000-210-360 Contracted Services | 3,500.00 |

Mr. Ferrell seconded the motion. Under discussion Ms. Schaefer explained that this was for the detailing of Police Cruisers. The Board had approved the program, but the cost was not budgeted in the proper account. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes. Resolution adopted.

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CORRESPONDENCE & REPORTS:

The March zoning report was submitted. Collections were \$3,748.97 and include 2 single-family additions, 3 fences, 2 accessory buildings, and 1 appeal.

Notification has been received from the Department of Liquor Control of a change of ownership in Shifter's Bar & Grill from Roeder Vending, Inc. to Big Nasty, LLC (Jeffery Tolley). The police department was unable to find any background on the new company or new owner. Based on that the Board does not request a hearing.

Notification has been received of Law Day for Perkins Schools. Law week is April 27 – May 1. The tentative date is scheduled for May 5th for the Work Session at 8:00 am.

The Annual Brush and Yard Waste Day is April 25th at Perkins Cemetery and Barnes Nursery.

The first Public Health Nursing Outreach Service will be held at the Township on April 16th from 8-10 am.

DEPARTMENT

Police –

Lt. Parthemore reported that the new cruisers have arrived and are ready. There will be an orientation program held this week. He thanked the Board for the purchase.

Lt. Parthemore wanted to advise everyone of the Strub Road closure. He asked that travelers be extremely careful and use caution. The alternate roads will see increased traffic.

They are also planning for Memorial Day. He also asked that people plan for the parade route and the Strub Road closure.

Mr. Coleman asked if everything was in order for the Memorial Day parade.

Mr. Ferrell noted the increase in traffic on Marshall Avenue

Highway –

Kevin Boos, Highway Foreman, said that there are detour maps available at the Erie County Engineer's Office and on their website regarding the Strub Road closure.

Mr. Boos submitted additional information for the Ransom Road drainage project and for striping and sealing of the parking lot at the Township.

Notification has been received of the approval of the 2010 Issue II project for London Road and Neilson Avenue.

Mr. Boos requested that the Board approve the hiring of four part time employees. Background checks have been completed. Mr. Ferrell said that he believed that there was money in the Highway Department for the hiring of part time employees. Mr. Boos said there was only one potential employee that would be able to start at the present time. The rest are students who would not be available until the end of May, first of June. Mr. Coleman asked what type of machinery would be operated by the younger students and how would they be trained. Mr. Boos said basically manual labor and perhaps driving the pickup trucks; mowing in the parks and cemetery. Mr. Coleman asked if they had clean driving records. Mr. Boos said yes.

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Mr. Ferrell asked if we need a resolution to proceed. Ms. Schaefer said not to proceed, but the Board would need to pass a resolution to hire them. This could be presented at the next meeting.

Mr. Boos said that they would be at the Yard & Waste pickup, rain or shine. Mr. Coleman asked if some type of identification was required, especially at Barnes. Mr. Boos said yes, they should be prepared to show a driver's license.

Mr. Boos then presented an invoice that had been returned to Superintendent Sternberg for clarification. Mr. Boos said that the stone was used to create a driveway to the storage building on the Bell Avenue property.

Mr. Coleman asked if they had received other quotes for sealing and striping of the parking lot. Mr. Boos said that they were waiting on one more.

Fire –

Chief Myosky said that they were in the process of doing spring maintenance on their equipment.

Chief Myosky read a letter of retirement resignation from Fire Inspector Gary Guendelsberger who has been associated with the Township for over 35 years. His last workday will be April 24, 2009. Chief Myosky said that the position had been posted at both fire stations. Mr. Ferrell asked the Chief to thank Gary on behalf of the Township.

Mr. Ferrell then introduced Eric Dodrill of Erie County Soil & Water Conservation who gave the Board an update of the EPA Phase II program. The next permit application is due in May. Phase I started in 1972 with the passing of the clean water act. In Phase II they are looking at non-point pollution. The Township is a MS4 Operator. The County just updated their Rules & Regulations of Erosion Control in October 2008. Mr. Dodrill suggested that the Township officially adopt those Rules & Regulations.

Mr. Coleman asked when it should be adopted. Mr. Dodrill said since it should have adopted in the first five years, it should be done as soon as possible.

Mr. Dodrill presented that Board with the 2008 Annual report. He then asked the Board if the Board wanted to continue in the joint committee. Mr. Coleman said that he did not believe we could afford to do it on our own. Mr. Dodrill said that he would then return with the needed permit application. He also said that they needed to revise the first plan that had been adopted. The draft revision will be distributed as soon as it is developed. Mr. Dodrill planned to have the documents ready by the end of the week.

The Board thanked Mr. Dodrill for his presentation.

**Resolution #2009-0042
ACCEPTANCE OF RETIREMENT RESIGNATION
OF GARY GUENDELSBERGER**

Mr. Coleman moved to accept the retirement resignation from Gary Guendelsberger, officially effective after the exhaustion of his accrued vacation time, personal time, and compensatory time, which will start after his final workday of April 24, 2009. Mr. Coleman wished Mr. Guendelsberger best wishes. Mr. Ferrell seconded the motion. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes. Resolution adopted.

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Resolution #2009-0043

CONTRACT WITH FIRELANDS REGIONAL MEDICAL CENTER

Mr. Coleman moved to enter into a contract with Firelands Regional Medical Center to purchase medical supplies to be used on the squads. Mr. Ferrell seconded the motion. Chief Myosky explained that legal council had reviewed the contract. After the contracts are signed by the hospital a copy will be returned for the files. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes. Resolution adopted.

Resolution #2009-0044

MODIFICATION OF THE PUBLIC RECORDS POLICY

Mr. Coleman moved to adopt the following:

WHEREAS, in the interests of providing efficient public services to the citizens of Perkins Township and to the general public, the Board of Trustees previously adopted a Public Records Policy, and

WHEREAS, it is in the best interests of the Township, its employees and the general public to clarify and simplify the previously adopted Public Records Policy,

NOW, THEREFORE, BE IT RESOLVED BY THE PERKINS TOWNSHIP BOARD OF TRUSTEES THAT:

1. The previously adopted Public Records Policy is hereby modified and amended by the Perkins Township Public Records Policy attached hereto and made a part hereof.
2. This Resolution and the amended Perkins Township Public Records Policy shall be distributed immediately to all department heads and shall become effective as to them as of the date of its adoption.

Mr. Ferrell seconded the motion. Under discussion, Mr. Coleman said that periodically policies are reviewed and this was one of those situations. Mr. Ferrell pointed out that there is a correction as to the cost. It should be \$0.10 per copy, not \$0.05. The resolution was amend to include the change in cost. Roll call: Mr. Coleman, yes; Mr. Dwelle, yes. Resolution adopted.

Resolution #2009-0045

SETTLEMENT OF DWELLE V. FANT

CASE NO 2007-CV-0809, ERIE COUNTY COMMON PLEAS COURT

Mr. Coleman moved to adopt the following:

WHEREAS, Perkins Township's liability insurer reviewed the captioned lawsuit filed in Erie County Common Pleas Court and determined that it would defend Thomas Fant as the Township's police chaplain against allegations that he had made defamatory comments about William Dwelle at a public meeting, and

WHEREAS, the Township is required by the terms of its insurance policy to consent to the settlement of any lawsuits which involve the Township's insurance, and

WHEREAS, the insurance company's attorney who is defending Mr. Fant in this lawsuit has recommended that the Township agree to a settlement of the case by the payment of the sum of \$1,500.00 to Mr. Dwelle, stating that it is in the best interests of the Township to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE PERKINS TOWNSHIP BOARD OF TRUSTEES, WITH WILLIAM DWELLE ABSTAINING, THAT:

1. Consent is hereby given to settlement of the captioned lawsuit by the payment of the sum of One Thousand Five Hundred Dollars (\$1,500.00) to William Dwelle as being in the best interests of the Township based upon the opinion of the insurance company's attorney defending the case, which will then be dismissed with prejudice.
2. This Resolution shall be promptly communicated to the insurance company's attorney representing Mr. Fant in order that all necessary and appropriated action can then be taken by him to conclude the settlement and obtain the dismissal of the case in

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Erie County Common Please Court with prejudice as to it being able to be refilled at any future time.

Mr. Ferrell seconded the motion. Mr. Ferrell notes that Abe Cantor, the attorney provided by the insurance company, and Mr. Coppeler, our legal council, both recommended the settlement. Mr. Coleman agreed that it was their recommendation to do so in the best interest of the Township. Mr. Ferrell said that it was a tough one to take, but based on the recommendations. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes. Resolution adopted.

Public Forum:

Jeff Printy, Park Board, ask Ms. Schaefer is she had been able to clear up the discrepancy with the Park Funds. Ms. Schaefer said that she had not finished her research. Based on the years that she had finished the \$52,000 that was received in 2000 as a result of a settlement with Ohio Edison was originally placed in the General Fund. There was a purchase order opened in that amount for ball fields. This purchase order was carried over to 2001. Then on 12/31/01 the purchase order was closed with no activity charged against it. It was not re-opened in 2002 and nothing was transferred to the park fund.

Mr. Printy explained that at the time the Board had two options. They could use the money for a Township project or return it to the people who had paid the money. Ms. Schaefer said that she understood this, but the mechanics to do it had not been done.

After some discussion Mr. Coleman asked Ms. Schaefer how much longer it would take to finish tracking the funds. Ms. Schaefer said she believed she had two more years to complete.

Mr. Printy suggested that the Board simply pass a Resolution to put the money into the General Fund. Mr. Coleman said that he did not believe there was enough money in the General Fund at the present time.

Ms. Schaefer said that some of the original amount was spent on the original engineering or items that were not covered by the grant. So the balance may not be \$52,000. Mr. Ferrell asked if the Fiscal Officer wished to complete the research. Ms. Schaefer said yes.

Mr. Printy said that he had met with Dave Speer and would like to meet with the Trustees at the next work session to discuss signage. Mr. Ferrell noted the next work session would be at 8:00 am in the morning.

Jeff Fantozzi, Merriweather Drive, presented a petition from residents in the area requesting traffic control in the form of signs and speed bumps. They have tour busses going through the area. Mr. Ferrell asked Mr. Boos to meet with Mr. Fantozzi to see what can be done. Lt. Parthemore said that he would step up patrol in the area.

(At this time the digital recorder stop recording)

Cheryl Best-Wilke, Pennsylvania Avenue, asked if we still had the Light Fund and if it was not supposed to be an 'in-and-out' type fund. Ms. Schaefer said that yes we still have the Street Lighting Fund and it is supposed to be self-funding, but not for profit.

Ms. Wilke also asked why the Board decided to open up the Police Chief search to the remaining three people who had completed the assessment center. The Trustees explained that the goal has always been to appoint the best person for Perkins Township. They had made an offer to the person they thought would be the best of all the

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candidates. Unfortunately they could not come to terms with that person. So they have to go back and reevaluate the remaining candidates.

Ms. Wilke said that if the Trustees are so pleased with Lt. Parthemore's performance during the interim, why don't they just offer the position to him.

Ms. Wilkes then asked if any exit interviews had been conducted. The Board said that there had not.

A resident of Hull Road complained about the semi truck traffic on Hull Road.

Ron Yost, Taylor Road, former employee in the highway department then addressed the Board.

Resolution #2009-0046

APPROVAL OF THE TRANSFER OF OUR INVESTMENTS TO UBS

Mr. Coleman moved to transfer the current certificate of deposits to UBS with agent Patrick Murray. Mr. Ferrell seconded the motion. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes. Resolution adopted.

Mr. Coleman moved to go into executive session to discuss personnel. Mr. Ferrell seconded the motion. Roll call: Coleman, yes; Mr. Ferrell, yes. Motion approved.

Mr. Coleman moved to go back into regular session. Mr. Ferrell seconded the motion. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes. Motion approved.

With no further business, Mr. Coleman moved to adjourn. Mr. Ferrell seconded the motion. All were in favor. Meeting adjourned at 8:00 pm.

Jeffrey Ferrell, Chairman

Diane Schaefer, Fiscal Officer