

**Perry Township Board of Trustees
Work Session
February 15, 2022 6:00 pm**

The press has been provided appropriate notice of the work session per ORC requirements

Call Meeting to Order

Trustee Nelligan welcomed guests in the audience and those joining remotely. The Board of Trustees is convening in an advertised work session to discuss two specific areas. One being our Perry Park restrooms and the other to discuss a proposed Snow Ban enforcement. The Board will discuss these topics in an open format.

Additions/Deletions to Agenda

Park Restrooms

Administrator Martin stated before the Board was outlined information as well as sketches of the proposed pavilion. Administrative Martin reported that the original park restroom discussion occurred in the meeting minutes of October 6, 2020 and continued through March 16, 2021. There were four architectural firms considered:

1. Blythe Construction - \$13,000 if selected as General Contractor, \$5,000 Construction fees waived equaling \$8,000 fee.
2. Sara Stuckey Sayner - \$42,000
3. Brandstetter Carroll - \$42,000
4. Motter & Meadows - \$18,800

Administrator Martin continued the background information. All entities were interviewed by the previous Board. At that time, Blythe Construction was considered. Administrator Martin continued stating that Motter and Meadows firm began making accusations and inquiries. Shortly thereafter, there was an anonymous complaint made to the Ohio Professional Engineers and Surveyors Board. Shortly thereafter Mr. Blythe withdrew his name from the project. However, Mr. Blythe of Blythe Construction donated the plans for benefit of our community. Administrator Martin spoke with Law Director Mathews and confirmed that if the Board chooses to do so, the existing submissions could be considered without the rebidding process. At the request of the Board President, Administrator Martin followed up with all four of the firms. Mr. Blythe indicated that at this time they are not interested in working any further with the project. Mr. Blythe reached out to Mr. Ucker and Mr. West and they were not interested in working any further also. Administrator Martin then went on to the other three inquiries. Sara Stuckey Sayner stated she was not interested and Motter and Meadows had the same comments. Brandstetter Carroll stated they would be delighted if the Board chose to, they would go forward with the project. Mr. Blythe agreed to have Perry Township utilize these drawings. Administrator Martin indicated that hopefully using the drawings, we could possibly have something

constructed by the end of the summer. Administrator Martin stated the Board could also start the process over and do the request for qualifications again.

Law Director Mathews added in his evaluation was to make sure that the Board would be eligible to use the ARP funds for this project. Law Director Mathews stated the Township did properly have the matter out by a RF2. The Township did receive at least 2 estimate proposals that would comply with the minor contract qualifications for Federal Procurement which would be a stricter rule for using the ARP money. If the Township would want to proceed with the one contractor that is still willing to proceed with the Township, in light of the bid being under \$250,000.00 limited in the Federal Law, the Township could proceed. Law Director Mathews asked Fiscal Officer Chessler to confirm that the Board is going to be operating under the standard allowance? Fiscal Officer Chessler stated yes and Law Director Mathews responded the only concern with the use of the monies is that the Township would be complying with the procurement process. If the Township is interested in proceeding, the Law Director stated he would have some language available for the Township to confirm the necessary items in the proposal with Brandstetter Carroll.

Fiscal Officer Chessler wanted to bring to mind another matter that was not addressed at the conclusion to the previous board. When the Township was notified that these funds were coming our way later in the year the board president solicited all the departments to request suggestions on what the funds could be used for. The priority lists included the Road Department, Police and Fire Department. Fiscal Officer Chessler stated that even though it is a large amount of money, we should consider this injunction with competing requests within the Township. Fiscal Officer Chessler would like to look at all the requests.

Administrator Martin stated she met with all the department heads individually and we do have that list compiled. There are going to be two edits made within the park system then we will be ready to forward those on for consideration.

Trustee Miller asked if the Board started over, would reaching out to the other interested parties now again, would that be an option? Meaning should we consider all 7 admissions, however, Trustee DeChiara stated other than the 4 chosen, the others were very high bids. Trustee Miller asked, in the conversation with Brandstetter Carroll, how solid are they on the quote submitted with that figure? Administrator Martin stated absolutely solid. Brandstetter Carroll stated in their letter that they would honor their same rate as previously quoted.

Trustee Nelligan directed the question to Trustee DeChiara, for discussion purposes, from the previous Board, which direction was the Board leaning with pavilion and restroom or just restroom. After going to the park, Trustee DeChiara stated this was a good set up to do the pavilion and the restroom together. Trustee DeChiara stated he doesn't want to go backwards and asked if the architect is still interested. He feels he would like the company to review the plans and see what they have to say since so much time has passed and wants to feel comfortable and see if there are any other suggestions. Trustee Nelligan wondered if there were any questions with the design? Trustee DeChiara stated there was no concerns with the design. Trustee Nelligan, understanding correctly, that the Board wants to move forward and bring back Brandstetter Carroll and have them present to the Board again their proposal. Trustee Nelligan thanked Tim Blythe for the background of his part in the restroom project.

Administrator Martin will have another work session to have Brandstetter Carroll review again their proposal.

Trustee Miller asked that the plan for the restrooms stated that this was phase 2. Trustee Miller asked what was involved in phase one? Administrator Martin stated, Phase One included picnic tables and receptacles.

Fiscal Officer Chessler noted that this matter will be reviewed at a work session on March 1, 2022 at 6:00 pm.

Snow Ban Enforcement

Trustee Nelligan next on the agenda is to discuss the enforcement of our snow parking ban.

Trustee Nelligan stated it is apparent that we have been notifying residents and businesses of our parking ban when conditions deem necessary. It has come to find out that the Township does not have a resolution to enforce the ban. Tonight, we are looking to establish enforcement of the parking ban to keep our roads safe and drivers safe.

Administrator Martin reached out to Jackson Township over the January 17th snowstorm. Jackson Township had their citation in place. After some discussion with Board President Nelligan, Administrator Martin reached out to Chief Brink at Jackson who stated this is the first year they have actually enforced the citation. Jackson sent out to our Township supporting documents and light resolutions which we have mirrored for our Boards consideration. Law Director Mathews sent to the Administration for the Board meeting very detailed information on the snow ban.

Law Director Mathews stated that in 2008 the Board adopted a Resolution for an emergency parking ban. That version relies upon a provision of the code that specifies a person guilty of violating the resolution is guilty of a minor misdemeanor. The matter would be handled as a criminal offense. There is a provision in the law that allows the Township to defer a criminal case and treat it as a civil fine that is collected by the Township. The Resolution that has been drafted, based upon the Jackson approach, is provided in Section 2: Law Director Mathews read from the Resolution: "No person violating any regulation or order adopted pursuant to this Resolution shall be charged with a criminal offense and no person shall be arrested as a result of the commission of such violation". That is mandatory language from the code if the Township wanted to treat this as a matter that is a civil penalty paid here to the Township. The next section in the draft provides that the violation level would be a \$50.00 civil offense then be increased to \$75.00 than an additional penalty after 14 days taking it to \$99.00. The cap is \$100.00 to treat the violation as a civil offense in the Township. Law Director Mathews continued stating that under the code provision that sets out local enforcement code, there is no additional resolution that needs to be adopted so long as you have these provisions in the resolution fixing the emergency parking ban. Nothing further needs to be done to create a local civil division. Police Chief Pomesky and Law Director Mathews had a brief discussion about taking this to the next level so his officers could enforce other parking provisions through the Townships civil branch. This will be discussed further once a decision has been determined with the parking ban. The version of the parking ban resolution is perfectly acceptable. Law Director Mathews continued by stating the resolution puts forth the rule but

there has to be someone that declares the snow ban in effect and notifies your local news agency. Law Director Mathews stated the order is a one-page document that is completed. It is by the President or any other agent authorized by the Board to declare the snow ban. It would be a matter of convenience. The form would be completed with the time the declaration will go into effect usually two hours after the announcement. Then you can have the ban remain into effect for a period of hours and to conclude at a given time or you can extend until cancelled with an announcement. One important feature is that this notice does need to be posted by signs. The uniform traffic control devises show a typical snow sign. It does not have to be posted on every street. The way the Uniform Manual works is in any subdivision you can post the signs at the entrances at the main streets going into the subdivisions.

Trustee DeChiara asked the Chief of Police if those parking violations criminal or civil? Chief Pomesky responded that addition research would be need to determine that answer. Civil action would be taken if the violation was not paid to collect the monies stated by the Law Director.

Trustee Miller asked that after two hours after the announcement is made, is that a standard typical practice? Law Director Mathews responded that this is in the code. Trustee Miller asked how would we go about announcing and posting this? Local news media sounds more official than doing Facebook and Nixle? Road Superintendent Masalko responded to Trustee Miller's concern by stating that the road department already has that in place. The Road Department sends an announcement to all the news media in the area before the two hours and we also do the Nixle. At this time the Township is already following the guidelines. Law Director Mathews stated to make the announcement formal make sure to have all the required verbiage in the announcement.

Road Superintendent Masalko wanted to make a note that to get the signs it may take at least a month. Law Director Mathews stated that the 2008 Resolution is in place and until the Board takes any action on a new or replacement resolution, the police, if needed to, can ticket it as a misdemeanor. Under the current resolution the police department can tow and impound the vehicle.

Trustee Miller was concerned with the posting a copy of the resolution in five conspicuous places in the Township for a period of 30 days. Fiscal Officer Chessler stated notices are required and they are posted in the lobby and local newspapers. Trustee Miller asked about the plan of communication between the road superintendent and the police department. Chief Pomesky stated he just needs to have an email or some communication that the snow ban is in effect. Chief Pomesky stated the approach to this extent is to remind the residents to get the vehicles off the road when the ban is in effect. We are very limited on towing as it stands at this time because the signs are not posted at the entrance of the allotments. We cannot cite until we get the proper postings. Law Director Mathews stated that this is a good clarification. Nothing is posted currently. Chief Pomesky stated the proper notices need get to the residents. Chief Pomesky stated what is proposed would be a good for pushing over to a citation. He does share in the concern and a 2-hour window is very narrow and, in many cases, we have parents that are on different shifts and depending when that notice comes out. The police department tries to work with them if they are at work the police department will give them extra time instead of someone then to pay for a ticket or a vehicle.

Trustee DeChiara asked if a resident has an option to appeal this citation? Law Director Mathews stated it is not required in the code but you can certainly structure something in the resolution. To do that the is to create a bureau that the Chief wants to for other parking violations.

Trustee Miller asked if the road department comes upon a road that has vehicles in the street... Road Superintendent stated we would put a call into the police department and they would come out provided they maybe busy with a crash. Discussion continued with the Chief of Police and the Road Superintendent on how to communicate if vehicles are blocking roads. Chief Pomesky stated his department has a good communication with the Road Department with these situations. Trustee Nelligan asked, if the officers are out driving during their normal day to day route, can address the situation of blocked roads? Chief Pomesky responded yes, they can.

Law Director Mathews asked Trustee Miller if he wanted the 2-hour window and extending it to a 3-hour window? Administrator Martin will revise the Resolution and forward to the Law Director.

Trustee DeChiara discussed giving a warning first and then the habitual person, that would be one thing, he stated. Chief Pomesky stated he has in place already where they can check violations.

Chief Pomesky would like to roll out something to the public on the education of the resolution.

Public Speaks: none

Adjournment:

With nothing further to come before the Board, Trustee Nelligan stated the work session ended at 6:40 pm.

Ms. Nelligan, President

Craig Chessler, Fiscal Officer

*note: Recording is mismarked as 2-2-22 should be 2-15-22