

PRESIDING OFFICER, THOMAS J. GARDNER, MAYOR

ROLL CALL:

PRESENT: Joe Bourne, Ed Steffek, Brandie Bourne, John Little, Nate Penrod, Steve Adams

ABSENT: N/A

OTHER ATTENDEES: Rick Swiger, DJ Meek, Donna Meek, Rocky Dusenberry

VISITORS: Nancy Bourne, Jacquie Price

PLEDGE

The meeting was opened with The Pledge of Allegiance led by Mayor Gardner.

PRIOR MEETING MINUTES

**Motion was made by Joe Bourne** and seconded by Brandie Bourne to dispense with the reading of the minutes and accept the minutes from regular meeting held October 17, 2023. All council members present were in favor.

VISITORS,

\*Visitors/Resident Jacquie Price was in attendance to review the installation of the Christmas Street Light Displays for the Square and Main Street. Price spearheaded the Christmas Light project a couple of years ago and indicated that sponsors for each street light display will be numbered from 1-25 for placement on Main St/Square. Each sponsor for the Christmas Lights; will have a named- sponsor ornament displayed on the Christmas Tree in the square. A date of Dec. 1 st was set for the lighting of the Street Christmas Lights and the Town Square Christmas Tree. Mayor Gardner will contact workers to help with the installation of the Street Christmas Lights – expected to be installed on Nov. 18<sup>th</sup> or Nov. 25<sup>th</sup>.

PAY BILLS

\***Motion made by Brandie Bourne** and seconded by Steve Adams to pay bills from respective funds. Roll call as follows: Joe Bourne yay, Ed Steffek yay, Brandie Bourne yay, John Little yay, Nate Penrod yay, Steve Adams yay.

FISCAL OFFICER

\*No Reporting

POLICE

\*Chief Rocky Dusenberry reviewed the October Police Report with 13 calls handled for the month.

\*Reported 4 clean up notices with 3 notices already completed.

\*Reported that the radar was recently certified

\*Discussed pay raises for the police department staff. The finance committee will meet and review raises for the upcoming year.

## POLICE – CONT'D

\*Discussed the police department scheduling. Dusenberry indicated that a set schedule is difficult as all (but one) patrolman have full time employment. Dusenberry will review scheduling as needed and will attempt to set some fixed hours for the police dept staff if possible.

\***Motion made by Brandie Bourne** and seconded by Steve Adams for approval of Patrolman Tom Casimir to be certified for taser training. Roll call taken and all council members present were in favor.

## STREET

\*Heard from Supervisor Rick Swiger that the sign for the new John Deere Gator was recently installed. The sign indicates that the Rosenberry Foundation funded the purchase of the Gator.

\*Was reported that nearly all of the street signs have been replaced that were previously reported.

\*Heard that the mowers have been washed up and put away for the season.

\*Heard that there is a light out on the corner of Main and Wood street. Mayor Gardner will call in for the replacement to AEP.

## ZONING/MAYOR'S ADMINISTRATIVE ASSISTANT

\*Heard from DJ Meek that no zoning permits have been issued.

\*Meek received information indicating that there is money available for a street light replacement project. He will contact OMEGA in hopes of proposing and acquiring funding for a street light project for the village in the near future.

## COCHRAN-SOLICITOR

\*Cochran reported on the requirements of the Ohio Revised Code #9.481 for residency of a police chief/employees. The ORC 9.481 states that employees do not have to reside within the village to be hired as an employee.

## INCOME TAX ADMINISTRATOR

\*No Reporting

## MAYOR

\*Gardner received a quote of \$7320 from Mike Schwab for the work on extending N. High Street due to a new home construction of Tory Gibbs. A \$5000 deposit is required and work would begin in approximately 2 weeks. Heard that the street would be 12-foot-wide with the street being located in the middle of the right way.

\***Motion made by Joe Bourne and** seconded by Steve Adams to approve the quote and proceed. Roll call taken and all council members present were in favor.

## JOE BOURNE

\*Reviewed the Delaware Volunteer Fire Dept. for the month of October with 4 calls being handled.

\*Heard that the Red Cross and the Delaware Volunteer Fire Dept is working in conjunction to offer free installation of a 10 year smoke detector to any household in Port Washington and Salem Township. Call the fire station to schedule an appointment for the installation – phone # 740-498-6576.

## STEVE ADAMS

\*Heard that Adams is in favor of pay raises for the police dept. The police officer occupation is becoming more difficult to fill positions with a high risk of safety involved. The wages must increase to employ good seasoned officers. Heard that pay raises will be reviewed by the finance committee and brought back to council in the near future.

## NATE PENROD

\*Penrod inquired to the date of when Police Chief Rocky Dusenberry started employment with the village. Fiscal Officer Lute indicated that he has been employed since August 2022 as police chief. Penrod then inquired to where the “waiver” was for police chief Rocky Dusenberry. Mayor Gardner, F.O. Lute & Solicitor Cochran inquired to what he was referring to as they did not what he was requesting. Penrod indicated that Dusenberry is a non-resident of the village and the ORC and the Ohio Village Handbook indicates that he must reside in the village or a waiver must be given within six months of being employed. Penrod did not indicate what ORC number he was referring to; nor did he give any physical documentation for review to verify his claims. Solicitor Cochran stated that the village does not follow that. Mayor Gardner also stated that no one in the county follows that. Fiscal Officer Lute inquired to whether there may have been an ordinance waiving the residency. Penrod stated: Wouldn't the solicitor know that? Lute stated: Not necessarily; as the village has been incorporated for many years and there are many ordinances that would date prior to Solicitor Cochran's time. A heated conformation between Penrod and Cochran transpired with Cochran stating that Penrod obtained his position on council just to cause trouble; as the village forced him with court proceedings because he would not follow village zoning regulations. Penrod stated that was not true. Heated words were exchanged with Cochran stating “why don't you just leave”. Penrod then stated that he had been taping the meeting without anyone's knowledge and that he “has Cochran”. Cochran researched the “residency wavier” during the proceedings of the meeting and informed Penrod that he is incorrect and sited ORC 9.481 for residency requirements. Penrod then requested that Fiscal Officer Lute enter into the minutes that Solicitor Cochran initially stated that the village does not follow the ORC.

\*Penrod inquired to how much allotted time the Street Supervisor has to complete his duties that is directed from council. Penrod feels that Swiger is not prioritizing his duties well and needs to get directives completed from council in a timelier manner. Council member Joe Bourne and Mayor Gardner defended the actions of Street Supervisor Rick Swiger and expressed gratitude for all the work that he does for the village. And that Swiger's work performance is more than satisfactory.

## PENROD – CONT'D

\*Penrod brought discussion to the floor concerning the street light on the square. Penrod indicated that he spoke with an ODOT employee concerning who is responsible for the light and traffic flow on St. Rt. 36 at the square. Penrod indicated that the ODOT employee stated that Village of Port Washington is responsible for the light. The village would also be responsible for the handling of the traffic flow if the light is not functional. Penrod did not state the name of the ODOT employee. Penrod indicated that there is an ORC that details the procedure for the handling of traffic if the street light is not operational. Penrod did not have any documentation to substantiate his claims. This discussion had been brought before council in 2022; with Mayor Gardner indicating that the intersection traffic is handled with a two way stop sign on the side streets and the traffic on St. Rt. 36 would have the right of way to proceed without stopping if the traffic light is not operational. Penrod indicated that if the light is not working – the intersection should become a temporary four way stop until light is operational. Mayor Gardner stated: this issue has already been discussed and Gardner was directed by the village solicitor on the requirements to how traffic should be handled if the street light is not operational. Gardner stated that he will continue the same procedure as he has in the past ( 2 way stop on side streets with traffic flow on St. Rt. 36).

## BRANDIE BOURNE

\*Heard that the next Breakfast at the Delaware Fire Dept. will be November 11<sup>th</sup> from 8-11am.

\*Reminder - the Delaware Fire Dept. will be holding their Christmas Party on Sunday, Dec. 3<sup>rd</sup> at 6pm. The village administration and all village employee staff as well as Salem Township employees are invited.

\*Reminder - that Santa will be at the Delaware Fire Dept. on Dec. 17<sup>th</sup> from 5-7pm.

\*Discussed the purchase of \$25 gift certificates for village committee members/employees. No gift certificates will be allotted to elected officials. **Motion made by Joe Bourne** and seconded by Brandie Bourne to proceed with the purchase of gift certificates (\$25) for village committee members and paid employees (no elected officials included). Roll call taken and all council members present were in favor.

## JOHN LITTLE

\*No Reporting

## ED STEFFEK

\*No Reporting

## TREASURER'S REPORT

\* **Motion made by Brandie Bourne** and seconded by Steve Adams to accept the October Treasurer's report with the following: \$541,442.82 General Fund, \$35,645.78 Street Construction, \$2,209.58 State Highway, \$2,747.44 Cemetery Fund, \$6,666.87 Permissive Vehicle Tax, \$3,012.63 Capital Project, \$0 Mayor's Court, 2,207.45 Local Fiscal Recovery/ARPA Fund. With a total of all funds \$593,932.57. Reports included the Bank Reconciliation Report, bank statements, payment listing, receipt detail report, fund status report, appropriation status report. All council members present were in favor.

Meeting Adjourned.

Next meeting will be November 21 at 7:00pm.

		Date
Thomas J. Gardner, Mayor		

		Date
Darissa R. Lute, Fiscal Officer		

**RESOLUTIONS & ORDINANCES**

**Motion moved by Brandie Bourne** and seconded by Joe Bourne for amending and reallocating the permanent appropriations & revenue budget on an emergency basis. All amendments were for transactions in order to pay Union Cemetery monies owed from the second half of the real estate settlement. **(RESOLUTION 25-2023)** Roll call as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay, Steve Adams yay.

**Motion made by Joe Bourne** and seconded by Steve Adams to pass and enact said **RESOLUTION 25-2023**. Roll call as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay, Steve Adams yay.

**Motion moved by Brandie Bourne** and seconded by Ed Steffek to authorize and enter into an agreement with the Tuscarawas County Jail for housing of prisoners at a cost of \$80 per day and pass as stated on an emergency basis. **(RESOLUTION 26-2023)** Roll call as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay, Steve Adams yay.

**Motion made by Joe Bourne** and seconded by Brandie Bourne to pass and enact said **RESOLUTION 26-2023**. Roll call as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay, Steve Adams yay.