

Perry Township Board of Trustees

Regular Meeting

October 4, 2022 7:00 pm

Call to Order/ Pledge of Allegiance:

Welcome/Invited Guests

Excused Absence:

Craig Chessler – Fiscal Officer

Additions/Deletions to Agenda Call by Department:

Road Department: Superintendent John Masalko needed to add a Menards invoice that is over the amount of his allowed amount for approval.

Trustee DeChiara would like to further discuss the Canton Township agreement.

Trustee Nelligan would like to add an executive session under ORC 121.22 (G) (1) to discuss employment to include the Board, Law Director, and Chief Guist. This will be added as the second executive session.

Public Hearings/Invited Guests:

Communications:/Announcements

1. Perry Township Trick or Treat Hours~Sunday, October 30th from 3:00pm to 5:00pm
2. Perry History Club submitted a flier to remind Perry Township that there will be an “All you can eat pancake and sausage breakfast at the Richville United Church of Christ on October 15, 2022 from 8:00 am to 10:30 am.

Public Speaks on Agenda items up for Action:

Unfinished Business

Department Agenda Items (Information/Action Items)

Administration:

Consider accepting the retirement notification of John Masalko – Road Superintendent

Administrator Martin asked the Board to accept the retirement notification from John Masalko, Road Superintendent. He is sharing with the Board that after a very long period of time serving as Road Superintendent, he plans to retire on February 3, 2023.

Trustee Nelligan publicly wanted to congratulate Superintendent Masalko. She thanked him for the advanced notice to the township that will help with planning for the Board.

Trustee Nelligan made a motion to accept the retirement notification from John Masalko, Road Superintendent. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Road Department:

Additional status update on the 2022 Paving Program

Superintendent Masalko gave a status update on the 2022 Paving Program. In Superintendent Masalko's absence, Chris Young reached out to the Shelly Paving Company which will be doing the paving this year. Shelly Paving Company plan on starting on October 10, 2022. The reason this is a late start, Superintendent Masalko's stated, was because it had to be re-bid twice and back to the drawing board. They will start with Nave to Geona to Perry and then pave Jackson Avenue from Southway to Richville Drive. After that is completed in that area, they will do other allotments, and weather permitting will continue to other allotments. They will come back in the middle of April or May. They have till June to complete it.

Trustee DeChiara was concerned with Beaver Excavating damaging the newly paved road. Superintendent Masalko indicated the township does have mobile matting policy. He will take pictures and videos. Superintendent Masalko stated he will talk with Beaver Excavating about any damage that is done to the road with their heavy equipment. Also, there is another entrance that can be utilized by Beaver Excavating that their trucks can enter and exit.

Consider Whipple Ave. Agreement between Perry Board of Trustees and Canton Township

Superintendent Masalko indicated that he has been working on this project since April. Canton Township is asking for an agreement between the Perry Board of Trustees and the Canton Township Board of Trustees. Rather than the old handshake, they want an agreement. Law Director Mathews indicated his understanding is that they have treated the roadway as a mutual road for years. Law Director Mathews explained the agreement. This is designed to put the agreement in writing. The key is in paragraphs 2 and 3 to divide the odd and even years for handling surface patching. The parties have tried to avoid duplication of effort or have to mobilize both forces on the same stretch of road to handle the east vs west side. Law Director Mathews indicated this makes sense to have an arrangement like this in place to memorize how the townships have been operating. Superintendent Masalko indicated that the east side of Whipple, off Shepler Church, belongs to Canton Township, and it split right down the middle and the west side is Perry Township.

Superintendent Masalko also wanted to inform the Board that another agreement will be submitted in the near future. The northwest side of Mellet Mall is between the City of Canton and Perry Township. Trustee DeChiara wanted to discuss this agreement also. Superintendent Masalko stated that 13th street, by the railroad, is in Canton Township. Superintendent Masalko stated he believes that it does belong to Perry Township. There should be an agreement with Canton City for the section of the street in question.

Trustee Nelligan made a motion to accept considering the Whipple Ave agreement between the Perry Board of Trustees and the Canton Township Board of Trustees. Seconded by Trustee DeChiara.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Menards bill

Superintendent Masalko explained that because of the Risk Management and the work that needed to be completed in the park, items needed to be purchased and he asked employee Rick Miller to purchase items at Menards. Superintendent Masalko had instructed him not to go over \$2,500 and he ordered several items that came to \$2,614.15. The Fiscal Officer will not pay this Menard invoice until the bill is Board approved. Superintendent Masalko asked the Board to consider a Menards invoice in the amount of \$2,614.15.

Trustee Nelligan made a motion to pay the Menards Invoice in the amount of \$2,614.15. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Park Department:

Zoning:

Police Department:

Consider Bullet Proof Vest Grant award acceptance in the amount of \$3,464.95

Acting Police Chief Guist stated the Bureau of Justice Assistance (BJA) has awarded the Police Department \$3,464.95 toward bulletproof vests funding that expires on August 31, 2024. This grant provides 50% reimbursement when purchasing vests for the officers. The bulletproof vests expire after five (5) years. Acting Police Chief Guist asked the Board to accept the Bullet Proof Vest Grant award acceptance in the amount of \$3,464.95.

Trustee Nelligan made a motion to accept the Bullet Proof Vest Grant award acceptance in the amount of \$3,464.95. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Fire Department:

Law Director:

Consider Perry-Canton Joint Economic Development District JEDD Agreement Parcel Number 4316471 located on Faircrest St SW Canton Ohio

Law Director Mathews stated that the City of Canton has proposed entering in a Perry Canton Joint economic development district. Law Director Mathews prepared a summary of the proposed agreement. This involves property owned by Timken Steel Corporation. Canton City is considering or would like the Board to consider facilitating economic development on this parcel which is currently vacant. A 50-year contract would be subject to a 50-year renewal term. This would allow sharing of some services to be provided to the property for development purposes. Then a proposed distribution of taxes, primarily the income tax, would result from the imposition on the territory. Another feature of the proposed agreement would be an annexation moratorium where the city would agree not to annex

any additional territory of the township for the period of the agreement and extend beyond the period of the agreement without the Board's consent. There are other provisions of the draft agreement which expanded on these agreements. If the Board is interested in pursuing this further, would be for the Board either consider some further negotiations with the city about the proposed terms and then advance the matter after that negotiation. Or under the code, there is a period of time to receive public comment on the proposal and ultimately the scheduling of a public hearing on the proposal. At a minimum that must be 30 days out from what is to be considered in the matter. You can consider further negotiating at this point and time. If the Board has concerns about the agreement or advance the matter by scheduling a public hearing and allowing documentation regarding the proposed agreement to be available to the public for comment and also pursue a further conversation with the city representatives about any questions or concerns that you would have in the draft. Law Director Mathews indicated that The Timken Company has already consented to this proposed arrangement. The consent is in a form of a petition under the revised code. This is a step in completing the JEDD agreement.

Trustee DeChiara indicated to the Board that he is not in agreement on parts of the arrangement. He would like to have the Board review the arrangement and make a counteroffer to the city. He is not in agreement with the tax schedule. He is also unsure of the Fire and EMS services. Trustee DeChiara conversed with the Board on the previous agreement and stated he had concerns. Trustee DeChiara wanted to read the contract and would have a decision by the next meeting.

Trustee Nelligan made a motion to make herself the JEDD representative for the Perry Canton Joint Economic Development District. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Fiscal Officer:

Consider Pending Warrants

In Fiscal Officer Chessler's absence, Trustee Nelligan stated the following: Week ending 9-20-22 for bills/payroll in the amount of \$199,738.19 and week ending 9-27-22 for bills in the amount of \$220,643.12 for a combined total of \$420,381.31.

Trustee Nelligan made a motion to approve the pending warrants Week ending 9-20-22 for bills/payroll in the amount of \$199,738.19 and week ending 9-27-22 for bills in the amount of \$220,643.12 for a combined total of \$420,381.31. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Consider accepting special meeting minutes from 8-30-22, and regular meeting minutes from 9-6-22 and 9-20-22.

In Fiscal Officer Chessler's absence, Administrator Martin asked the Board to accept the special meeting minutes from 8-30-22, and regular meeting minutes from 9-6-22 and 9-20-22.

Trustee Nelligan made a motion to accept the Special meeting minutes from 8-30-22, and regular meeting minutes from 9-6-22 and 9-20-22. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Board of Trustees Updates –

Problem Properties:

Executive Session(s):

1. ORC 121.22 (G) (1) to discuss compensation to include the Board, Law Director, Administrator, and others as requested.
2. ORC 121.22 (G) (1) to discuss employment to include the Board, Law Director and Chief Guist (added executive session by Trustee Nelligan)
3. ORC 121.22 (G) (1) to discuss deputy chief position to include the Board, Law Director, Fire Chief
4. ORC 121.22 (G) (1) to discuss dismissal and employment to include the Board, Law Director, Administrator, and others as requested

Trustee Nelligan moved that the Perry Township Board of Trustees adapts the corresponding written resolution removing Michael T. Pomesky from the position of Chief of Police for the Perry Township Police District and which also removes Michael T. Pomesky from employment with Perry Township effective immediately (10-4-22). Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, no

Trustee Nelligan made a motion that the Board adjourns into Executive Session pursuant to ORC 121.22 (G) (1) Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

The Board adjourned into Executive Session at: 8:32 pm

The Board adjourned from Executive Session at: 10:40 pm

Department Matters Not Requiring Board Action:

Administration:

Fire Department:

Police Department:

Road Department:

Parks/Recycling:

Zoning:

Law Director:

Announcements:

Public Speaks-Open Forum:

Tim Newton

Tim Newton stated his address as 1615 Sherwood Ave, Massillon. He asked what could be done in his neighborhood about the excessive speeding going up and down Sherwood and up and down List. He has complained concerning a resident that has been driving at excessive speed. Mr. Newton has talked with the police about this issue. Acting Chief Guist responded to Mr. Newton's complaint. He will look into this issue with his officers.

Adjournment:

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 10:44 pm; Seconded by Trustee

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Lisa Nelligan, President

Craig Chessler, Fiscal Officer