

**Perry Township Board of Trustees**

**Regular Meeting**

**May 24, 2022 7:00 pm**

**Call to Order/ Pledge of Allegiance:**

**Welcome/Invited Guests**

1. Swearing in of Firefighter Peter Oberacker ~ followed a 10-minute recess

Trustee DeChiara asked Peter Oberacker to please raise his right hand.

I, Peter Oberacker, do solemnly swear to support the Constitution of the United States, the Constitution of the State of Ohio, Resolutions of Perry Township, Ohio; the rules, Regulations, Standard Operating Guidelines, Standard Operating Procedures, and Policies of the Perry Township Fire Department; and will faithfully, honestly and impartially discharge the duties of Firefighter of the Perry Township Fire Department and this I do as I shall answer unto God.

Trustee Miller read and presented the Fire Fighter Creed to Peter Oberacker.

**Public Speaks: Scheduled Speakers:**

**Excused absence:** none

**Additions/Deletions to Agenda:**

1. Road paving Bid Openings postponed until June 21, 2022.

Trustee Nelligan indicated the Road Department is postponing the opening of the road bids to have an effort to provide thorough and accurate communication to prospective bidders. The paving project will be advertising to the Canton Repository and posted on the Perry Township Website. Further questions should be directed to the Road Department at 330-832-7750. This will be postponed until June 21, 2022.

2. Brandstetter Carroll, Inc. Presentation

Trustee Nelligan introduced Nancy Nozik from Brandstetter Carroll, Inc. Ms. Nozik presented more information concerning the parks and restroom location and what next steps need to be taken. Perry Park was discussed on what will be maintained and what will be removed or relocated. The old playground equipment and old trees were discussed being removed. She stated that during a past Trustee meeting, the community discussed the splash pad, more trash receptacles to keep the park clean, and increasing security. There were drainage issues and more playground equipment discussed at from previous meetings. Summerdale Park was also discussed on what improvements were suggested in previous meetings. Ms. Nozik discussed in detail the restrooms. The size, placement, etc were discussed and displayed on boards for a better visual.

There were parking issues discussed and she showed the different parking placements.

**Public Hearings/Invited Guests:**

**Communications:**

1. Perry Township Yard Waste Site opened March 9, 2022 – Hours of Operation are Monday, Wednesday & Saturday from 8am to 4pm
2. Saturday ~ May 28, 2022 Heroes Remembrance Ceremony at Perry high School ~ Beginning at 9:00 am
3. Sunday, May 29, 2022 Perry Rotary and community members will be placing Flags on graves of veterans at Calvary Cemetery ~ Beginning at 9:00 am
4. Monday, May 30, 2022 HERO 5k Run~Walk at Perry high School Beginning at 8:30 am

**Public Speaks on items up for Board Approval:**

Thom Ross stated his address as 2045 Standard SW. Mr. Ross is a firefighter with the Perry Township Fire Department. He talked about the increase in the concrete quote. He was there when the company came a year ago and looked at the driveway that needed to be replaced. The cement company indicated the driveway needed to be completely replaced. Mr. Ross is in agreement the total driveway needs replaced.

**Township Business requiring Board Action:**

**Unfinished Business:**

**New Business:**

**Administration:**

**Consider OTARMA Renewal in the amount of \$191,034.00**

Administrator Martin would like the Board to consider accepting the OTARMA Renewal in the amount of \$191,034.00. In addition, the Board will receive a 2022 capital distribution check-in approximately 2 weeks in the amount of \$10,067.88 from OTARMA. Administrator Martin indicated that the increase was due to the purchase of new vehicles and an increase of one million in coverage.

Trustee DeChiara made a motion to consider accepting the OTARMA Renewal in the amount of \$191,034.00. Seconded by Trustee Nelligan.

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

**Consider Brandstetter invoice in the amount of \$2,375.00**

Administrator Martin would like the Board to consider paying the invoice from Brandstetter in the amount of \$2,375.00. This is for services rendered to date.

Trustee Nelligan made a motion to consider paying the invoice from Brandstetter in the amount of \$2,375.00. Seconded by Trustee Miller.

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

**Road and Park Department:**

**Consider replacement of the 1997 – F-250**

Superintendent Masalko stated the importance of replacing road truck #31, the 1997 Ford F-250. He spoke with Waikem Ford in Massillon and there are no trucks available for purchase. The new truck, 2022 Ram 3600, would be purchased for \$56,780.00 from Performance Chrysler, Ford, and Dodge in Columbus, Ohio. Superintendent Masalko stated the monies for the vehicle will come out of ARPA fund.

Law Director Mathews had comments that this is a state-contracted price, this should be documented for the record and for the fiscal officer's file. This will note that there has been an effort made to identify other source vendors and simply a suitable vehicle was not available that would make it acceptable to make the purchase. Because it falls in the gap of above your micro-purchases and below the large threshold, it is suitable to use that state contract price as long as an effort was made to find another vendor.

Superintendent Masalko wished to add, that it is brought to the attention of the fiscal office that the company is holding these trucks and there is an importance of having a check available for pick up to bring when purchasing these vehicles.

Trustee Nelligan made a motion to authorize the purchase of a new 2022 RAM 3600 truck in the amount of \$56,780.00 from Performance Chrysler, Ford, and Dodge in Columbus, Ohio. Seconded by Trustee Miller.

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

Trustee Nelligan made a second motion regarding the purchase of the truck to use \$56,780.00 of ARPA money at the state bid price. Based upon the township's participation in the Ohio cooperative purchasing program, the Board finds that the sole source quote from the vendor is adequate and from a qualified source appropriate for consideration. There was some effort made to obtain the availability of a suitable truck with no availability for the foreseeable future. Seconded by Trustee Miller.

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

**Consider replacement of the 2005 – F-350**

Superintendent Masalko stated the importance of replacing the 2005 Ford F-350. He spoke with Waikem Ford in Massillon and there are no trucks available for purchase. The new truck, 2022 Ram 3500 with a plow would be purchased for \$56,780.00 from Performance Chrysler, Ford, and Dodge in Columbus, Ohio. Superintendent Masalko stated the monies for the vehicle will come out of ARPA fund.

Law Director Mathews had comments that this is a state-contracted price, this should be documented for the record and for the fiscal officer's file. This will note that there has been an effort made to identify other source vendors and simply a suitable vehicle is not available and that would make it

acceptable than to make the purchase. Because if falls in the gap of above your micro-purchases and below the large threshold, it is suitable to use that state contract price as long as an effort was made to find another vendor.

Superintendent Masalko wished to add, that it is brought to the attention of the fiscal office that the company is holding these trucks and there is an importance of having a check available for pick up to bring when purchasing these vehicles.

Trustee Nelligan made a motion to authorize the purchase of a new 2022 RAM 3500 truck in the amount of \$56,780.00 from Performance Chrysler, Ford, and Dodge in Columbus, Ohio. Seconded by Trustee Miller.

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

Trustee Nelligan made a second motion regarding the purchase of the truck to use \$56,780.00 of ARPA money at the state bid price and based upon the township's participation in the Ohio cooperative purchasing program, the Board finds that the sole source quote from the vendor is adequate and from a qualified source appropriate for consideration. There was some effort made to obtain the availability of a suitable truck with no availability for the foreseeable future. Seconded by Trustee Miller.

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

#### **Resolution 2022-**

#### **Consider accepting the \$30,000.00 joint solid waste grant and the in-kind match of and the remaining balance of \$22,716.00.**

Superintendent Masalko stated there were complaints concerning the condition of the Administration recycle lot at the corner of Hilton and Austin at the self-serve recycle site. Superintendent Masalko talked over the situation with the Stark-Tusc-Wayne Recycle District and they recommended that the township applies for a grant that was offered through them for payment resurfacing. Superintendent Masalko received a bid that was supplied to the township by Vasco Asphalt in the amount of 52,716.00. Please consider accepting the \$30,000.00 grant from Stark-Tusc-Wayne Recycle District and the remaining balance of \$22,716.00 paid by the general fund.

Trustee Nelligan made a motion to accept the \$30,000.00 grant from Stark-Tusc-Wayne Recycle District and the remaining balance of \$22,716.00 paid by the general fund. The Township will have to consume the whole amount of the \$52,716.00 and then submit for reimbursement of the \$30,000.00 grant money that was awarded. Seconded by Trustee DeChiara.

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

#### **Consider hiring two part-time employees at the Park Department.**

#### **Jack Lindberg**

The Park Department is asking the Board to consider adding Jack Lindberg as a part-time seasonal employee for the Park Department. He will be paid \$13.00 an hour, not to exceed 1500 working hours

within a year. He will be hired as soon as he finishes the school year, after passing his drug and alcohol testing and driver's license background.

Trustee Nelligan made a motion to consider hiring Jack Lindberg part-time at the Park Department. Seconded by Trustee DeChiara.

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

### **Kaleb Ledford**

The Park Department is asking the Board to consider adding Kaleb Ledford as a part-time seasonal employee for the Park Department. He will be paid \$13.00 an hour, not to exceed 1500 working hours within a year. He will be hired as soon as he finishes the school year, after passing his drug and alcohol testing and driver's license background.

Trustee Nelligan made a motion to consider Kaleb Ledford part-time at the Park Department. Seconded by Trustee DeChiara.

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

### **Authorizing Bid for paving**

Superintendent Masalko stated there was an error on the chart that was advertised for the paving program. It was corrected and would like to have it out for bid again.

Trustee Nelligan made a motion to authorize the re-bid through the Road Superintendent for the proposed 2022 paving program. Seconded by Trustee Miller.

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

### **Zoning:**

#### **Consider a nuisance property and request the Board Approval to Submit a Home Rule Citation**

Zoning Inspector Whytsell stated that pursuant to Ohio Revised Code 504.6 a request is made to submit a Home Rule Citation to a property within Perry Township, subject to the Boards Authority.

Presented for consideration: 4144 Shepler Church Ave SW Canton, Ohio 44706.

1. Initial complaint was filed 10-21-21
2. File opened and property inspected 10-21-21
3. First notice of zoning violation sent in October
4. Approximately 4 notices were sent between October and May 2, 2022, with no response from the owner or occupant.

Recommendation:

1. Approve Home Rule Citation in the amount of \$250.00, which includes a 14-day response time

2. Send Perry PD escort with the mowing contractor after 14 days to abate the grass
3. Consider further fines for repairs and vehicles.
4. Any expense incurred by the board will be entered on the tax duplicate and will be a lien on the land from the date of entry.

Trustee Nelligan made a motion to approve home rule citation under the Ohio Revised Code 504.6 in the amount of \$250.00 which includes a 14-day response time. There will be an escort of the Perry Police Department with the mowing contractor after 14 days to abate the grass. Any expense incurred by the Board will be entered into a tax duplicate and will be a lean on the land from the date of entry. Seconded by Trustee Miller.

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

### **Resolution 2022-**

#### **FHA Zoning Amendment**

Zoning Inspector Whytsell stated that back in November the Board was provided a resolution for a text change for an issue that was from 2021. This resolution was approved and then submitted to the Board of Zoning Commission. Zoning Inspector Whytsell indicated this did take place on April 21, 2022. The Zoning Commission, in a public meeting and was publicly noticed, and approved, and has come back to our board for the final vote for approvemnt for the resolution text change and recorded with the Stark County Recorder. Zoning Inspector Whytsell has a document from Law Director Mathews for that final vote Resolution. Nothing was changed on the Resolution from February as it was already amended at that meeting.

Trustee Nelligan opened the floor for any public comment. There were no comments from the public.

Trustee Nelligan made a motion to adopt the resolution for the zoning amendment that was initiated by the Perry Township Board of Trustees on February 15, 2022. Seconded by Trustee Miller.

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

### **Police Department:**

#### **Consider approving the Step Outside Grant \$500.00**

Police Chief Pomesky asked the Board to consider approving the Step Outside Grant for \$500.00 through the Department of Natural Resources. The total amount received from the grant is \$500.00 and is to be used towards the Cops & Bobbers event being held on Monday, May 16, 2022. I am asking the Board to accept the grant money in the amount of \$500.00 and authorize me to follow all terms and conditions for reporting.

Trustee Nelligan made a motion to approve the Step Outside Grant for \$500.00 through the Department of Natural Resources. Seconded by Trustee Miller

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

### **Consider Approving the OVITF 2022-2023 MOU**

Chief Pomesky asked the Board to authorize the MOU between the Stark County Sheriff's Office and the Perry Township Police Department for the OVI Task Force Grant and to comply with all of the terms and conditions set within. The MOU will become effective on October 1, 2022, and will terminate on September 30, 2023.

Trustee Nelligan made a motion to authorize the OVITF 2022-2023 MOU between the Stark County Sheriff's Office and the Perry Township Police Department for the OVI Task Force Grant and to comply with all of the terms and conditions set within. Seconded by Trustee Miller.

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

### **Fire Department:**

#### **Retirement letter – Ron Riggs**

Chief Sedlock read a letter from Ron Riggs on his official retirement on June 3, 2022. Chief Sedlock congratulated Ron Riggs on his 35 years of service and gave a few words on Ron Riggs employment as a firefighter/paramedic. Chief Sedlock asked the Board to consider Ron Riggs retirement effective June 3, 2022.

Trustee Nelligan made a motion to accept of Captain Ron Riggs's retirement effective June 3, 2022. Seconded by Trustee DeChiara.

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

#### **Consider hiring Peter Oberacker**

Chief Sedlock asks the Board to consider hiring Peter Oberacker as a full-time firefighter/paramedic with Perry Township and all the conditions will apply to the collective bargaining agreement. Effective May 24, 2022.

Trustee Nelligan made a motion to hire Peter Oberacker as a full-time firefighter/paramedic with Perry Township and all the conditions will apply with the collective bargaining agreement, effective May 24, 2022. Seconded by Trustee DeChiara.

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

#### **Consider authorization to increase the price of the concrete quote in the amount of \$864.00**

Chief Sedlock stated the previous Board-approved concrete work to be done by McBurney Concrete at Station 3 and the Maintenance Garage from quotes that were obtained by the previous Fire Administration. Chief Sedlock contacted McBurney Concrete on May 20, 2021, and let them know we were hiring them to complete the concrete work. They were behind and the pandemic had caused issues. Chief Sedlock stated he contacted them this year and they stated the price of material has gone up so they sent an updated quote. The total price has increased from \$25,493.50 to \$26,357.50 an increase of \$864.00. Chief Sedlock asked McBurney Concrete if they absorb the increase and they declined.

The Board decided to table the issue until they can look at the area needing replacement.

Trustee Nelligan made a motion to table the authorization of the increased price of the concrete quote in the amount of \$864.00. Seconded by Trustee Miller.

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

#### **Consider Purchase order for Life Force billing**

Chief Sedlock stated the last purchase order has been used for bills through March of 2022. Chief Sedlock is requesting the board approve a purchase order to cover the bills through May of 2023. Chief Sedlock is requesting a purchase order in the amount of \$64,000.00.

Trustee Nelligan made a motion to approve a purchase order in the amount of \$64,000.00. Seconded by Trustee DeChiara.

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

#### **Law Director:**

#### **Consider resolution to lend the fire department inflatable to other entities**

Law Director Mathews indicated the Fire Department has an inflatable and is available to loan out to other agencies for their public events. Fire Chief together with Administrator Martin reached out to OTARMA Risk Management Group to get a sample form agreement including waiver or release language to protect the Township in the loaning of this inflatable to other departments. Law Director Mathews reviewed the draft provided by OTARMA Risk and stated that he modified it slightly. He provided the document to the Administrator and the Fire Chief. His thought was not to have the Board consider each one of these requests but rather to rely upon the Fire Chief to administer this loan program utilizing the agreement including the waiver language protecting the township.

Law Director Mathews would like the Board to review the agreement and defer to the next meeting so it will be considered a blanket resolution that would authorize the Fire Chief to utilize that form and use his degression in the loaning of the inflatable for all future occasions.

#### **Fiscal Officer:**

#### **Consider Bank Reconciliation Documents**

Fiscal Officer Chessler asked the Board to consider accepting the April 2022 bank reconciliations.

Trustee Nelligan made a motion that the Board consider bank reconciliation for April 2022. Seconded by Trustee DeChiara.

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

Fiscal Officer Chessler proposed a motion that the Board consider pending warrants for the week ending 5-3-22 for bill/payroll in the amount of \$528,638.62 and the week ending 5-10-22 for bills in the amount of \$41,643.68 and for week ending 5-17-22 for bills/payroll in the amount of \$370,376.14 for a combined total of \$940,658.44.

Trustee Nelligan made a motion that the Board consider pending warrants for the week ending 5-3-22 for bill/payroll in the amount of \$528,638.62 and the week ending 5-10-22 for bills in the amount of \$41,643.68 and for week ending 5-17-22 for bills/payroll in the amount of \$370,376.14 for a combined total of \$940,658.44. Seconded by Trustee Miller.

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

### **Consider paying Ohio Auditor of State invoice in the amount of \$10,319.50**

Fiscal Officer Chessler proposed a motion that the Board consider paying the Ohio Auditor of State invoice in the amount of \$10,319.50.

Trustee Nelligan made a motion that the Board consider paying the Ohio Auditor of State invoice in the amount of \$10,319.50. Seconded by Trustee Miller.

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

### **Board of Trustees Updates – Roll Call**

#### **Trustee Miller – Consider Invoice payable to Canton Data Print in the amount of \$5,654.00.**

Trustee Miller discussed the invoice from Canton Data Print in the amount of \$5,654.00. This is the remaining balance of the first issue of the Perry Township Newsletter.

Trustee Miller made a motion that the Board accept the invoice from Canton Data Print in the amount of \$5,654.00. This is the remaining balance of the first issue of the Perry Township Newsletter. Seconded by Trustee Nelligan.

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

#### **Trustee DeChiara request for discussion of the dog nuisance resolution**

#### **Trustee DeChiara request for discussion of noise violation resolution**

Trustee DeChiara discussed the issue of complaints concerning dogs and the constant barking. He opened the discussion with the Law Director and Chief of Police, he asked what could and what we should do to make this streamline and implement fines. He directed his concerns to the Police Chief and asked how we currently handle dog nuisance issues.

Chief Pomesky stated in many cases he indicated the police would respond to the call and see if the canine is still there and approach the homeowner. There is no citation process in place either for noise violations or barking dogs. Back in 2007, all citations were called and if answered to the citation and paid the violation the monies were collected, if not paid there was no process in place for enforcement. Those citations sat on the books as unpaid and no way to contest that violation. Nothing has transpired with this issue.

Trustee DeChiara stated we need to address this issue and give an opportunity for a resident to appeal. He feels we need to make some enforcement.

Law Director Mathews stated that within the Citation Bureau this is limited to parking only. However, he stated the citation reference in the existing legislation is incomplete. He feels you can simply adopt the citation form that the zoning department requested. If you need to file a complaint to a point of a citation, this would be the same form. Law Director Mathews stated giving a warning and then a citation. Zoning Inspector Whystell stated he had an issue with a resident and had a good response.

Trustee DeChiara stated we should have a written policy that can be handed out to a resident.

Law Director Mathews stated there are 2 other provisions of the revised code that allow you to treat these as minor misdemeanors. The Township could adopt those resolutions. There are 3 tiers to this issue of process, the informal, civil offense, and then a criminal offense.

Trustee Nelligan asked Law Director Mathews what the next steps would be. He indicated cleaning up what is already on the books.

**Problem Properties:**

**Executive Session(s):**

1. ORC 121.22 (G) to discuss discipline of an employee to include the Board, Law Director and Fire Chief
2. ORC 121.22 (G)(3) personnel to discuss imminent or pending court action to include the Board, and Law Director
3. ORC 121.22 (G)(1) personnel to discuss exempt vs. non-exempt to include the Board, Administrator, and Law Director
4. ORC 121.22 (G)(3) concerning imminent or pending court action to include the Board and law Director.

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

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

The Board adjourned into Executive Session at: 9:04 pm

The Board adjourned from Executive Session at: 10:46 pm

Trustee Nelligan made a motion to authorize Chief Sedlock to proceed with disciplinary action Seconded by Trustee DeChiara

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

**Department Matters Not Requiring Board Action:**

**Administration:**

**Fire Department:**

**Police Department:**

**Road Department:**

**Parks/Recycling:**

**Zoning:**

**Law Director:**

**Announcements:**

**Public Speaks-Open Forum:**

**Tim Blythe**

Tim Blythe stated his address as 1996 Masters Point SE Massillon. He understood he could not directly ask questions to a department head, so he directed his question to the Board. He asked if the Board could direct his concerns to the Police Chief. Mr. Blythe stated he made public records request approximately a month ago regarding communications between the former Board of Trustees. In the documents was a copy of a reprimand given to the Chief of Police concerning certain behaviors toward certain township employees. Specifically, the Township Administrator. Tim Blythe is requesting that the Board of Trustee publicly ask the Chief of Police if he has met with the Stark County Sheriff or Sheriff's office staff and had any discussion or conversation with the Sheriff or the Sheriff's office in an attempt to have some type of inquired or investigation initiated against the township administrator. This would be related to the letter of reprimand issued by the former Board of Trustees and the letter of reprimand being placed in his personal file.

Law Direct Mathews stated that may not be something you would want a public inquiry about. If there was some communication by Police Chief to that effect, he may well be privileged to do that, and to make it public, it may be airing something that he is entitled to have maintained private.

Trustee Nelligan stated that based on what Law Director Mathews indicated the Board of Trustee's can not ask that question publicly.

**Jim Roman**

Jim Roman stated his address as 713 Pine Hills Dr SW, Massillon. He stated Stark County Soil and Water had come to his residence. They gave suggestions on his drainage issue. Mr. Roman is asking that the basin be enlarged. Mr. Roman showed pictures and suggestions.

**Adjournment:**

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 9:46 pm; Seconded by Trustee Miller

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

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Lisa Nelligan, President

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Craig Chessler, Fiscal Officer