

Perry Township Board of Trustees

Regular Meeting

June 21, 2022 7:00 pm

Call to Order/ Pledge of Allegiance:

Welcome/Invited Guests

7:00 pm 2022 ~ Road Paving Opening

Fiscal Officer Chessler indicated that the Board has received five (4) asphalt bids for the 2022 road paving and listed them as follows:

Company	Total Bid Amount
Northstar Asphalt, Inc.	\$3,833,721.00
Superior Paving	\$3,844,492.40
The Shelly Company	\$3,941,822.30
Chagrin Valley Paving, Inc.	\$5,324,267.00

Fiscal Officer Chessler asked the Board to accept the bids, table them and make a motion that the Law Director and the Road Superintendent review the bids and if the bids are in order to proceed.

Trustee Nelligan made a motion to accept all four bids for paving and refer to the Road Superintendent and Law Director to make a recommendation. Seconded by Trustee DeChiara.

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

Presentation by Nancy Nozik of Brandstetter for Park Restroom Facilities

Nancy Nozik presented handouts for the meeting. She also brought diagram boards of the parks. Ms. Nozik did an overall of what has been presented previously. Ms. Nozik discussed Perry Park and Summerdale Park restroom locations. She started with Summerdale Park. She went over the restrooms that had been previously discussed. She talked about the materials that would be used. Ms. Nozik would like to do the building with minimal costs. She discussed putting a skylight in instead of windows. The downside to this is the building must have a light fixture in the restroom and the lights are put in with motion sensors. Ms. Nozik continued with the discussion of roof types. Metal roofs cost more but will last longer than asphalt shingle roofing. Trustee DeChiara asked if there will be a drinking fountain at that facility and Ms. Nozik responded yes. The Board brought up the subject of having the facility open year-round and what the locking system would consist of. The Board considered Perry Park to have year-round heat in the restroom because of the amount of activity at the park. There was a discussion concerning the year-round heating and cooling options.

Ms. Nozik began a discussion of concession stands. The location was discussed so parents can see children going into restrooms and the concession stand. She then discussed prefabricated pavilions and their costs. She stated the material is more durable. There was a discussion of birds nesting in the ceiling and how to prevent this. The Board continued to ask questions about having a concession stand or just having availability for food trucks. Trustee Nelligan asked what the next steps would entail. Ms. Nozik stated a survey would need to be done. Construction documents would be needed and more decisions would need to be made. A lot would have to be decided before bids would go out, she indicated. Time frame will be an issue because of ordering delays.

Public Speaks: Scheduled Speakers:

Excused absence:

1. John Masalko ~ Road/Park Superintendent

Additions/Deletions to Agenda Call by Department:

Jeff Whytsell, Zoning Inspector indicated he has an addition that is an approval for a home citation.

Trustee Nelligan added she would like an approval for the HR consulting firm Training Marbles

Trustee Nelligan also added a 2 step grievance from the fire department that the Board will go into Executive Session

Public Hearings/Invited Guests: none

Communications:/Announcements

1. Perry Township Yard Waste Site opened March 9, 2022 – Hours of Operation are Monday, Wednesday, and Saturday from 8 am to 4 pm.
2. Save the date! Perry Township Rotary Community Parade & Perry Township Oktoberfest coming Saturday~September 10th from 11:30 am to 4:00 pm at Hartwick Park. Vendor registration is open. Visit perrytwp.com for details.
3. There will be only one Board meeting in July. The next Board of Trustee meeting will be July 19, 2022 at 7:00 p.m.

Public Speaks on items up for Action:

Unfinished Business

Department Agenda Items (Information/Action Items)

Administration:

Consider FMLA request of employee A

Administrator Martin stated the Board was in receipt of an employee requesting FMLA. The physician's certificate has not been completed at this time however, we will have the certificate for your consideration at the next meeting. The applicant has met all the appropriate criteria for FMLA and is

aware of his or her responsibility to inform the department head of their FMLA leave for scheduling purposes. Administrator Martin asked the Board to consider making the motion to authorize employee A for the request of FMLA.

Trustee Nelligan made a motion to accept the FMLA request of employee A. Seconded by Trustee Miller.

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

Consider FMLA request of employee B

Administrator Martin stated the Board was in receipt of an employee requesting FMLA. The leave will begin sometime in October for approximately 12 weeks. The applicant has met all the appropriate criteria for FMLA and is aware of his or her responsibility to inform the department head of their FMLA leave for scheduling purposes. Administrator Martin asked the Board to consider making the motion to authorize employee B for the request of FMLA.

Trustee Nelligan made a motion to accept the FMLA request of employee B. Seconded by Trustee Miller.

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

Resolution 2022-

Consider Approving IEC Recommendation for a Master Service Agreement for Township Electric Aggregation Program for Ohio Edison

Administrator Martin indicated that this is normally a 3-year renewal, however, Fiscal Officer Chessler and Administrator Martin met with the brokers and they are recommended to take the lowest option. Administrator Martin indicated normally 9 companies would bid and this time we only had 3 companies. The current rate is 4.94 cents /kWh and the lowest rate that the Township found was 10.88/kWh.

Administrator Martin stated for the Board to consider approving IEC for a Master Service Agreement for Township Electric Aggregation Program for Ohio Edison for only a 12-month agreement.

Trustee Nelligan made a motion approving IEC for a Master Service Agreement for Township Electric Aggregation Program for Ohio Edison for only a 12-month agreement. Seconded by Trustee Miller.

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

Consider Hiring Human Resource Company

Trustee Nelligan stated the Township is considering hiring a company called Training Marbles. A completed HR assessment in the amount of \$6,500.00.

Trustee Nelligan made a motion to hire a company called Training Marbles. A completed HR assessment in the amount of \$6,500.00. Law Director Mathews has reviewed this contract and approved it. Seconded by Trustee DeChiara.

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

Road Department:

Park Department:

Consider Pay Raise for Kaylee Blowers

Assistant Road Superintendent Young asked the Board to approve a pay raise adjustment for Park employee, Kaylee Blowers. She started last May in the Parks department and was accidentally overlooked this year for pay raises. Assistant Road Superintendent Young asked the Board for a 3% raise which would bring her hourly wage from \$13.00 to \$13.39 retro pay back to May 31, 2022.

Trustee Nelligan made a motion approving a pay raise adjustment for Park employee, Kaylee Blowers which would bring her hourly wage from \$13.00 to \$13.39 retro pay back to May 31, 2022. Seconded by Trustee Miller.

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

Zoning:

Update on Nuisance Properties

Zoning Inspector Whytsell gave an update on the nuisance properties.

4250 Greenford St SW: Declared nuisance for a junk vehicle. The resident removed the vehicle on 4-16-22 before the deadline to tow the vehicle and the case was closed.

2825 Chadwick St NW: Declared nuisance for a tree on the roof of the home. The property is currently bank-owned. The bank sent in a contractor to remove the tree from the roof, cut down two other dead trees on the property, remove some brush, and mowed the grass. The case was closed.

3432 Lincoln Way E: Declared nuisance for blighted condition. We utilized one of the township-approved contractors to remove 40 tires from the site, recycled at Katz Tires. This property will eventually lead to the deconstruction and complete removal of the two structures on site.

4144 Sheplar Church SW: Declared nuisance for grass, vehicles, and needed repairs to the home and garage. This case was referred to the Massillon Clerk of Court for resolution.

Zoning Inspector Whytsell updated the Board on the procedure for handling calls pertaining to tall grass complaints. Last week the Zoning department received over 40 calls for complaints of nuisance properties.

Home Rule Citation

Zoning Inspector Whytsell stated there is a vacant property Parcel Number 43-01550 located on Mullan NW., Massillon, Ohio that the Zoning Department has sent over 5 notifications. This is a residential parcel and the owners appear to be a construction company. They are storing construction material and approximately 20 barrels on the property. Zoning Inspector Whytsell stated there is a concern about what is in the barrels. He indicated it is getting worse. Zoning Inspector Whytsell is looking for a citation

with this property. Zoning Inspect Whytsell is requesting that we submit a financial citation of \$250.00 against the owner of the property giving them also 7 days to respond. We have been working hand in hand with Chief Pomesky to have officers on-site when we would need to send in contractors with trailers to the property. At that point, we would need to examine the contents of these barrels.

Trustee Nelligan made a motion for providing a citation under Home Rule for Parcel Number 43-01550 on Mullane. Seconded by Trustee DeChiara.

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

Resolution 2022-

Police Department:

Consider Prisoner Transportation Agreement – City of Massillon

Chief Pomesky stated he is presenting the 2022 Massillon City Prisoner Transportation Agreement. Earlier this year we received an initial agreement from Massillon with a 10% increase taking our annual Prisoner Transportation Agreement to \$44,499.81. Trustee Nelligan and Chief Pomesky met with the Massillon Mayor and they reevaluated the billing methods for the Prisoner Transportation Agreement and reverted back to the prison transport fee of \$150.00 per transport. This brings the cost down to about \$16,350.00 per year. Chief Pomesky presented a historical progression cost and pricing. Chief Pomesky would recommend to the Board of Trustees to accept and approve this contract with the City of Massillon.

Trustee Nelligan made a motion to accept the Prisoner Transport Agreement with the City of Massillon for \$150.00 per transport for the 2022 year. Seconded by Trustee DeChiara.

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

Fire Department:

Consider the retirement of Rick Gialluca

Chief Sedlock stated Rick Gialluca is going to be retiring. Chief Sedlock read a letter from Mr. Gialluca. He had 35 years of service. After his shift ends on June 30, 2022, this would be his last day of work. Chief Sedlock gave a history of his work at Perry Township Fire Department. Chief Sedlock asked the Board to accept Mr. Gialluca's resignation of retirement effective July 1, 2022 at 7:00 am.

Trustee Nelligan made a motion to accept the retirement of Rick Gialluca effect July 1, 2022. Seconded by Trustee DeChiara.

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

Law Director:

Fireworks Law in Ohio

Law Director Mathews began explaining changes in the Ohio Fireworks Law. For years Ohio Law concerning fireworks had been primarily a body of law regulating the manufacturing, distribution, and

sale of fireworks. The discharge by consumer fireworks was banned and persons going to a licensed manufacturer or distributor had to complete an affidavit stating during a certain period of time they would take the fireworks out of state and discharge them only in a state where it is lawful to do so. There was a lobby by the manufacturers and distributors in the state of Ohio to modify that law. Law Director Mathews printed a portion of House Bill 172 Law to give to the Board and to show the changes dealing with manufacturers and distributors on how they go about their business. A significant change in the law has been made regarding the use and discharge of consumer-grade fireworks by persons in Ohio. The general assembly and governor approved the use of these consumer-grade fireworks on a series of days throughout the year. Starting with January 1, Chinese New Year, etc. It includes July 3, 4, and 5th as well as the first Friday, Saturday, and Sunday before and after the 4th day of July. Absent from this bill is that there are no time restrictions proposed by the General Assembly upon any of those particular days. What the General Assembly elected to do instead was to give back to the local jurisdictions for them to consider opting out of this allowance. The Township can restrict the dates and times that a person can discharge ignite or explode fireworks. He explained all the different restrictions. He recommended 2 forms of a resolution. The Fire Marshall should come up with rules on segregation of buildings and how they are to use and permit in common areas. Law Director Mathews indicated this law goes into effect on July 1, 2022. Trustee DeChiara asked what the mechanism for citing repeat offenders was? Law Director Mathews indicated that this enforcement is a misdemeanor.

Resolution 2022-

Accept the Fireworks House Bill 172 with modification

Trustee Nelligan made a motion to accept the Ohio General Assembly House Bill 172 with modifications for the dates stated according to the Bill however, the Townships modification is a time restriction from 8 pm to 12:30 am. Seconded by Trustee Miller.

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

Fiscal Officer:

Consider accepting the May 2022 Bank Reconciliations

Fiscal Officer Chessler presented the May bank reconciliation. He asked for a motion to approve the May 2022 reconciliation.

Trustee Nelligan made a motion to approve the May bank reconciliation for the week ending. Seconded by Trustee Miller.

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

Consider Pending Warrants

Week ending 6-7-22 for bills and payroll in the amount of \$382,276.70 and week ending 6-14-22 for bills in the amount of \$218,335.86 for a combined total of \$217,661.76.

Trustee Nelligan made a motion to approve the pending warrants for week ending 5-24-22 for bills in the amount of \$36,246.73 and week ending 5-31-22 for bills in the amount of \$181,415.03 for a combined total of \$600,612.56. Seconded by Trustee Miller.

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

Consider Accepting the Minutes of 3-1-22, 3-15-22, 4-5-22, and 4-12-22.

Fiscal Officer Chessler stated that the Board has previously received a copy of the minutes from the meetings of the 3-1-22 work session and regular Board of Trustee meeting. 3-15-22 work session and regular Board of Trustee Meeting. 4-5-22 work session and regular Board of Trustee Meeting. 4-12-22 work session only minutes.

Trustee Nelligan made a motion to accept the Minutes of 3-1-22, 3-15-22, 4-5-22, and 4-12-22. Seconded by Trustee Miller.

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

Board of Trustees Updates – Roll Call

Problem Properties:

Executive Session(s):

1. ORC 121.22 (G) (1) to discuss hiring to include the Board, Fiscal Officer, Law Director, Administrator and Assistant Road Superintendent
2. ORC 121.22 (G) (1) to discuss complaints of a public official to include the Board, Law Director and Police Chief
3. ORC 121.22 (G) (1) to discuss deputy chief hiring to include Board, Law Director and Fire Chief
4. ORC 121.22 (G) (1) to discuss employee compensation to include the Board, Law Director and Fire Chief
5. ORC 121.22 (G) (3) to discuss pending litigation 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: 8:35 pm

The Board adjourned from Executive Session at: 11:00 pm

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 Lewton

Tim Lewton stated his address of 1615 Sherwood Ave N.W. Mr. Lewton applauds Zoning Inspector Whytsell for cleaning up the township. Mr. Lewton spoke concerning rental properties. He feels they are not doing any maintenance on the properties.

Adjournment:

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 11:00 pm; Seconded by Trustee Miller

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

Lisa Nelligan, President

Craig Chessler, Fiscal Officer

***Note: transcription recorded as 6-8-22(recorder showed incorrect date)**