

**Perry Township Board of Trustees**

**Work Session 6:00 pm**

**Regular Meeting**

**July 19, 2022 7:00 pm**

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

**Welcome/Invited Guests**

**Executive Session(s):**

1. ORC 121.22 (G) (4) preparing for, conducting, or reviewing collective bargaining to include the Board, Law Director, Police Chief, and Consultant.

Trustee Nelligan made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (4) Seconded by Trustee Miller.

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

The Board adjourned into Executive Session at: 7:00 pm

The Board adjourned from Executive Session at: 8:13 pm

No resolution was given at this time

**Public Speaks: Scheduled Speakers:**

**Excused absence:**

1. John Masalko ~ Road/Park Superintendent

**Additions/Deletions to Agenda Call by Department:**

**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 10<sup>th</sup> from 11:30 am to 4:00 pm at Hartwick Park. Vendor registration is open. Visit perrytpw.com for details.

**Public Speaks on Agenda items up for Action:**

**Unfinished Business**

## **Department Agenda Items (Information/Action Items)**

### **Administration:**

#### **Consider accepting OTARMA Capital Budget Distribution check in the amount of \$10,067.88**

Administrator Martin stated that the Board is in receipt of the Capital Reimbursement check in the amount of \$10,067.88 in conjunction with our OTARMA renewal 6 weeks ago. She asked the Board to make a motion to accept the payment.

Trustee Nelligan made a motion to accept the OTARMA Capital Budget Distribution check in the amount of \$10,067.88. Seconded by Trustee Miller.

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

#### **Consider Sedgwick BWC~TPA Renewal Invoice in the amount of \$8,565.00**

Administrator Martin is asking to consider the Sedgwick BWC TPA renewal Invoice. Currently, the Township has been notified by our representative that the township has now completed the cycle of the worker's compensation rating program and we are eligible for the 2023 workers' compensation traditional group rating. Administrator Martin asked the Board to consider making a motion to accept this invoice in the amount of \$8,565.00.

Trustee Nelligan made a motion for the renewal invoice to Sedgwick BWC TPA for \$8,565.00. Seconded by Trustee Miller.

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

### **Resolution: 2022-023**

#### **Road Department:**

Assistant Road Superintendent, Chris Young stated the 2022 Road Paving Program came in above what was budgeted. Assistant Road Superintendent, Chris Young asked to have the bids sent out again. He indicated he had to take roads off to get bids down to the budget amount. Law Director Mathews recommended the 2022 Road Paving project should be sent out for rebidding. Notices will be provided to the Canton Repository on or before July 26<sup>th</sup> and posted on the township website at perrytwp.com. The new bids will be opened at the August 16<sup>th</sup> Board of Trustee Meeting at 7:00 pm. Assistant Road Superintendent, Chris Young ask the Board to consider the rebidding of the 2022~2023 Road Paving Project

Trustee Nelligan made a motion to consider the rebidding of the 2022~2023 Road Paving Project. Seconded by Trustee DeChiara.

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

#### **Park Department:**

## **Resolution 2022-022**

### **Zoning:**

#### **Consider request to declare a public nuisance**

Zoning Inspector Whytsell stated the Board is aware of a property that is considered a nuisance property. This property is related to having a scrap vehicle that was on the property. The black vehicle had been removed. Zoning Inspector Whytsell stated the green vehicle has been in the same location since March 20, 2020. There are no license plates on the vehicle. To add to this property, Zoning Inspector Whytsell stated there is now a blue BMW in the driveway without license plates. Pursuant to Ohio Revised Code Section 508-871 request is made to declare a property within Perry Township a nuisance, subject to the board's authority to seek abatement. Zoning Inspector Whytsell presented for consideration as a nuisance property at 427 Linway Ave NW Massillon, Ohio 44646. The initial complaint was received on 4-25-2017, the file was opened and the property was inspected on 4-26-17. The first notice of violation was sent to the owner/occupant on 4-26-17. Multiple notices were sent over a 5-year period for variance violations with minimal response from the owner/occupant. Zoning Inspector Whytsell recommended the approved resolution be sent with notice of intent to abate via certified letter, which contains a 7-day response time. 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. Discussion with Law Director Mathews on how Zoning Inspector Whytsell should handle the inoperable vehicles was addressed.

Trustee Nelligan made a motion under the Ohio Revised Code 508-871 to move forward to send another notice to the resident and to have the Board sign the resolution. Seconded by Trustee Miller.

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

### **Police Department:**

#### **Consider 2022-2023 Drug use prevention grant acceptance**

Chief Pomesky stated the Attorney General's Office has awarded the Police Department \$24,344.32 for the 2022-2023 Drug Use Prevention Grant. The Police Department uses these funds to help pay the salary of the DARE Officer. The funds will be disbursed in four payments (September, December, March & June). Chief Pomesky asked that the Board accept the grant award in the amount of \$24,344.32.

Trustee Nelligan made a motion to accept the grant from the Attorney General's Office the 2022-2023 Drug Use Prevention Grant in the amount of \$24,344.32. Seconded by Trustee Miller.

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

#### **Consider Lexipol renewal**

Chief Pomesky requested the Board of Trustees approve the one-year law enforcement policy manual update subscription with Lexipol. This includes the annual law enforcement policy manual and daily training bulletins. The annual subscription is from 8/1/2022-7/31/2023. The total expenditure amount is \$9,008.89.

Trustee Nelligan made a motion to renew the subscription to Lexipol for the Annual Law Enforcement Policy Manual and Daily Training Bulletins for the dates from 8/1/2022-7/31/2023 for \$9,008.89. Seconded by Trustee Miller.

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

**Fire Department:**

**Consider approving concrete work for Station #3**

Chief Sedlock stated there has been a previous discussion concerning the concrete work needed at Fire Station #3. Chief Sedlock stated the original quote was obtained over a year ago by the previous administration. There was a conversation concerning completing the driveway with the quote that was given. Chief Sedlock had another company give a quote also. He stated it was very difficult to have companies call back regarding the project. McBurney Concrete Inc, stated because of the time lapse since the original quote, it would be better to replace the entire concrete pad with one complete pour vs. repairing individual pads. Chief Sedlock gave information that was given by McBurney Concrete, Inc on reasons to pour one complete pour. Chief Sedlock brought in a second contractor, he reviewed the situation and agreed. Chief Sedlock recommended to the Board to replace the entire concrete pad with one complete pour. Chief Sedlock has been also working the Assistant Road Superintendent Chris Young on replacing the culvert at the end of the driveway as well. Chief Sedlock recommended proceeding with McBurney Concrete, Inc. and their quote of \$29,171.00. Chief Sedlock commented that Law Director Mathews did review the contract with McBurney Concrete, Inc and had no issues.

Trustee Nelligan made a motion to contract with McBurney Concrete, Inc. in the amount of \$29,171.00 with a note that the price may vary by 10% based on unforeseen costs to supplies. Seconded by Trustee DeChiara.

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

**Consider approving hiring the Ohio Fire Chiefs for promotional testing to fill the vacant Captain's position.**

Chief Sedlock stated there is a vacancy for a Captain position within the fire department. Based on the Collective Bargaining Agreement (CBA), Article 39, the vacancy must be filled by a competitive promotional examination. Additionally, the CMA stated the testing shall be done by the Ohio Fire Chiefs Association or a third party. Therefore, Chief Sedlock recommended that the Township hire the Ohio Fires chiefs to administer the testing. Chief Sedlock recommended that both a written test and an assessment center be performed. There are currently six eligible firefighter/paramedics that have submitted letters of intent for the position.

Trustee Nelligan made a motion to hire the Ohio Fire Chiefs Association for promoting testing to fill the vacant Captains Fire Chief's position in the amount of \$8,020.00. Seconded by Trustee DeChiara.

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

**Law Director:**

**Consider clean copy of Fireworks Resolution**

Law Director Mathews stated the Board requested he prepares a written conforming copy of the prior fireworks resolution adopted by the Board previously. He purposed this be conformed by the Administrator to the write-up version from the prior meeting and then bring it back to the Board for signatures. Law Director Mathews wanted this to be conformed to the handwritten additions that were made that evening.

Trustee DeChiara stated that the Township has too much freedom on too many days and too long of hours concerning the fireworks guidelines. He stated that discharging fireworks in streets and landing on other homes is a problem and he feels we are playing with fire. He feels there will be a disaster sooner than later. He indicated he is very concerned. Fireworks have become a much bigger problem. Law Director Mathews indicated this was a good experience the Township had and then reflect on the additional information and tightened it up. These are very good ideas. The Township can work on the restrictions. Trustee Nelligan stated that we should take it and discuss it. She would like to take some time before signing the resolution. Trustee Miller suggested adding this to unfinished business. Trustee Nelligan suggested reaching out to other neighboring townships to get input on the fireworks issue

**Fiscal Officer:**

Fiscal Officer Chessler asked the Board for a motion to approve the following:

**Consider Accepting the Minutes of 4/19/22, 5/3/22, 5/24/22, and 6/7/22.**

Fiscal Officer Chessler stated that the Board has previously received a copy of the minutes from the meetings of 4/19/22, 5/3/22, 5/24/22, 6/7/22.

Trustee Nelligan made a motion to accept the Minutes of 4/19/22, 5/3/22, 5/24/22, and 6/7/22.  
Seconded by Trustee Miller.

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

**Consider Pending Warrants**

Week ending 6-21-22 for bills in the amount of \$15,800.99 and week ending 6-21-22 for bills/payroll in the amount of \$583,928.26 and week ending 6/28/22 for bills in the amount of \$88,731.42 and week ending 7-12-22 for bills and payroll in the amount of \$212,579.34 for a combined total of \$901,040.01.

Trustee Nelligan made a motion to approve the pending warrants for week ending 6-21-22 for bills in the amount of \$15,800.99 and week ending 6-21-22 for bills/payroll in the amount of \$583,928.26 and week ending 6/28/22 for bills in the amount of \$88,731.42 and week ending 7-12-22 for bills and payroll in the amount of \$212,579.34 for a combined total of \$901,040.01.

Seconded by Trustee Miller.

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

**Board of Trustees Updates – Roll Call**

**Trustee Nelligan**

**Trustee Miller**

**Trustee DeChiara, Jr. ~ Fireworks Discussion**

**Problem Properties:**

**Executive Session(s):**

2. ORC 121.22 (G) (1) to discuss compensation to include the Board, Fiscal Officer, Law Director, Administrator, and Assistant Road Superintendent

Trustee Nelligan made a motion that the Board adjourn 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: 9:04 pm

The Board adjourned from Executive Session at: 9:33 pm

**Supplemental Wage for Assistant Road Superintendent**

Trustee Nelligan made a motion to approve the retro pay of the assistant Road Superintendent of \$350.00 and supplemental wage per month as long as he is in the management position of the road department. 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, Massillon, Ohio. He stated that driving on Jackson Ave you lose cell coverage and he suggested that a Cell Tower be put on the Fasnacht Farm. Mr. Blythe spoke with Zoning Inspector Whytsell and asked what issues the Township might have by reaching out to a cell company and see if the possibility of having a tower installed on the Fasnacht property.

Timothy Blythe stated, that in the past, there was an issue with a tower where the driving range was on Summerdale. There was a failure on the cell companies' part and was never followed thru. Mr. Blythe thought this would be a good idea for revenue-generating income for the Township along with giving the residents better coverage.

Law Director Mathews pointed out that he represents 1 of the top three tower construction companies in the states of Ohio, Pennsylvania, and Indiana. All he would need is the address of the proposed site so that they can run that information through the database to see if they identified a gap in coverage. Law Director Mathews stated, that the push right now is to see tower sites that are on government-owned properties. Simply, the schools and townships tend to be absorbing a lot of data and these sites have immunity so they take zoning laws out.

Mr. Blythe also had a question concerning the Dare Officers and RSO Officers. How much does the school pay for RSO and Dare Officers? (This is being put on as unfinished business). He also asked what is the contract with the school. He has seen RSO officers at the school frequently even now when school is not in session. He knows we are short on patrol officers and how we can justify having a person at a school that is technically closed.

Mr. Blythe put in for a public record request a couple of weeks ago and had a few questions regarding the Mitel phone system. Mr. Blythe asked has the phone system fully operational as intended. Chief Pomesky answered his question stating the phone service is fully functional at this time.

## **Maria Duer**

Maria Duer stated her address as 1402 Channonbrook St, SW. Maria Duer's concerns are with the fireworks. Maria Duer stated her neighbor set off fireworks the whole weekend. She has severe PTSD and anxiety disorder. There is a fence and evergreens that should deaden some of the sounds. The neighbor's stereo was very loud and wants a noise ordinance in place. Maria Duer continued by stating there was a large bang. It was an M80 and continued all evening. She did call the police and a female dispatcher answered and was very rude. She feels there were commercial-grade fireworks that were set off. Maria Duer indicated that the neighbors were intoxicated. She was frightened to go outside.

## **Judy Clark**

Judy Clark stated her address as 1325 Channonbrook St SW. Judy Clark is the condo president of the association. She stated there are many elderly residents in the association. She had concerns that her roof could have been damaged by the fireworks that were going off. She called the police because of the firework debris on her son's car. The residents that were using the fireworks she stated were intoxicated.

## **Dee Busby**

Dee Busby stated her address as 2939 Roanoke St NW Massillon. She presented with information concerning the firework debris. She is unable to pick up the debris from her yard.

**Adjournment:**

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 9:35 pm; Seconded by Trustee DeChiara

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