

Perry Township Board of Trustees

Regular Meeting

October 1, 2024, 6:00 pm

The meeting was called to order at 6:30 p.m. by Board President Miller. All Trustees were present.

Pledge of Allegiance

Welcome & Recognition of Invited Guests

Excused absence: None

Communications/Announcements Details are available at Perrytwp.com

- a) Trick or Treat in Perry Township will be observed on Sunday, October 27th from 3:00 p.m. to 5:00 p.m.
- b) Revised ~ Perry Yard Waste hours beginning September 11th. Monday, Wednesday, and Saturday 8 a.m. to 4 p.m. Services are funded by Stark Tusc. Wayne Recycling grant.
- c) Recognize and thank residents/vendors on the Parade & Octoberfest

Additions/Deletions to Agenda – Roll Call by Department:

Fire: None

Administration: None

Road: None

Police: None

Zoning: None

Law Director: None

Fiscal Officer: None

Trustee DeChiara – None

Trustee Miller – None

Public Speaks on Agenda Items Up for Action: None

Consent Agenda Items: None

Old Business: None

New Business:

a) **Fire:**

- i) Consider a donation in the amount of \$34,175.00 from McKinley Eagles towards the purchase of a complete set of extrication tools. Trustee Miller made a motion to accept the donation in the amount of \$34,175.00 from McKinley Eagles towards the purchase of a complete set of extrication tools. Seconded by Trustee DeChiara.

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

b) **Police:**

- i) Consider accepting a donation from the McKinley Eagles in the amount of \$800.00 for Halloween Candy. Trustee Miller made a motion to accept a donation from the Mckinley Eagles in the amount of \$800.00 for Halloween Candy. Seconded by Trustee DeChiara.

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

- ii) Consider accepting a donation from the McKinley Eagles in the amount of \$8,000.00 towards the purchase of a trailer for the UTV and drone. Trustee Miller made a motion to accept a donation from the McKinley Eagles in the amount of \$8,000.00 towards the purchase of a trailer for the UTV and drone. Seconded by Trustee DeChiara.

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

- iii) Consider amending the MOU between the Perry Township Board of Trustees and the Stark County Sheriff's Office Violent Crime Task Force. Trustee Miller made a motion to amend the MOU between the Perry Township Board of Trustees and the Stark County Sheriff's Office Violent Crime Task Force. Seconded by Trustee DeChiara.

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

c) **Public Works:**

- i) Consider payment of Bachtel Excavating in the amount of \$10,000.00 for work performed at Summerdale Park and pay for this out of ARPA funds. Trustee Miller made a motion to make payment to Bachtel Excavation in the amount of \$10,000.00 for work performed at Summerdale Park and to pay for this out of the ARPA funds. Seconded by Trustee DeChiara.

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

- ii) Consider removing past seasonal employees from the payroll roster: Kaylee Blowers, Molly Campitelli, Kaleb Ledford, and Jack Lindberg. Trustee Miller made a motion to accept the removal of past seasonal employees from the payroll roster: Kaylee Blowers, Molly Campitelli, Kaleb Ledford, and Jack Lindberg. Seconded by Trustee DeChiara.

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

- iii) Consider accepting a donation from the McKinley Eagles in the amount of \$7,000.00 to purchase equipment for the Road Department. Trustee Miller made a motion to accept the donation from the McKinley Eagles in the amount of \$7,000.00 to purchase equipment for the Road Department. Seconded by Trustee Nelligan.

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

- iv) Consider No Truck Signs on Bramblebush. A discussion was had on the signage on Bramblebush. No action was taken.

d) **Zoning:** None

e) **Administration:** None

f) **Law Director:** None

g) **Fiscal Office**

i) Consider Pending Warrants for the week ending 09/17/24 for bills/payroll in the amount of \$218,094.36 and the week ending 09/24/24 for bills in the amount of \$186,504.77 for a combined total of \$404,635.13. Trustee Miller made a motion to accept pending warrants for the week ending 09/17/24 for bills/payroll in the amount of \$218,094.36 and the week ending 09/24/24 for bills in the amount of \$186,504.77 for a combined total of \$404,635.13. Seconded by Trustee DeChiara.

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

ii) Consider special meeting minutes from 06/25/24 special meeting, 07/23/24, and regular meeting 08/06/24, regular meeting 08/20/24 and special meeting 09/10/24. Trustee Miller made a motion to accept special meeting minutes from 06/25/24 special meeting 07/23/24 regular meeting 08/06/24, regular meeting 08/20/24, and special meeting 09/10/24. Seconded by Trustee DeChiara.

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

iii) Consider the payment to Days Lawn Care for 4 invoices totaling \$13,148.30 and transfer from fund 1000-110-310 professional and technical services which has \$17,675.42. That will leave \$4,527.12 for any remainder expenses associated with Day's Lawn Care. Trustee Miller made a motion to transfer funds from professional and technical services in the general fund to the Parks Other Account. Seconded by Trustee DeChiara.

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

Trustee Miller made a motion to authorize payment of the outstanding Day's Lawn Care invoices. Seconded by Trustee DeChiara.

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

Trustees

1. Trustee Nelligan: None
2. Trustee DeChiara Jr.: None
3. Trustee Miller: None

Public Speaks:

Dave Lawson

Dave Lawson stated his name and address as 610 Orrville St. Dave said the Township had orders to go to the property and remove trash and an eviction is set for October 10, 2024, at 10 a.m. and at that time they have made payment for a dumpster to clean up at that time and was hoping for an extension. The Zoning Inspector stated that the Zoning Department is scheduled to go out to the property on Thursday, October 3, 2024, to have the same kind of setup with a contractor waiting to go with the dumpster to begin the cleanup.

Terry Roan

Terry Roan stated his name and address, 516 Orrville St. N.W. stated the address spoken previously from Dave has been going on for years and is nothing new and has never been cleaned up. Terry expressed concerns with the number of items in the garage and other areas of the home, he feels like a small dumpster will not be able to complete all the necessary removal. The grass is high as well. Terry expressed concerns about what will be done before renting out to another tenant. Trustee Miller stated the inside is a wait-and-see. If it spreads out into the yard area and is visible for all to see then the Zoning Inspector will be able to come out and do what they need to. Trustee Miller said maybe a conversation with the property owner and himself could be of assistance. The Zoning Inspector stated that per court order all items will be placed outside of the home and removed between the dates of October 10th and 11th.

David Kerestes

David Kerestes stated his name and address as 626 Walnut Canton Ohio. David stated he wanted to present his life in the Township along with his concerns. Trustee Miller said if he has concerns throughout the Township proper paperwork can be filled out so it can be taken care of.

Executive Session

Trustee Miller made a motion after the hearing that they would go into executive session under:

- a) ORC 121.22 (G)(1) discipline to include Board, Law Director, Public Works Director
- b) ORC 121.22 (G)(1) discipline to include the Board, Law Director, Fire Chief
- c) ORC 121.22 (G)(1) employment to include the Board, Law Director, Police Chief
- d) ORC 121.22 (G)(1) discipline to include the Board, Law Director
- e) ORC 121.22 (G)(5) to include the Board and Law Director

Seconded by Trustee DeChiara.

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

The Main Board Meeting concluded at 7:09 p.m.

Public Hearing

Trustee Miller moved into a hearing under a grievance. The grievance was under 240003 Andrew Braham & Jared Baer.

Roger Carpenter, union president, went over the article they are talking about article 39:2 promotional, which states: When a vacancy occurs in a promoted rank immediately above the rank of a regular firefighter, a non-probationary bargaining unit member who has at least thirty-six months of service with the Perry Township Fire Department shall be eligible for any promotional or examination. Any person taking the promotional examination shall have not less than 8 hours of leave immediately before the assessment and oral portions of the examination.

Roger Carpenter went over what prompted the article to be created. Jared has a total of 7 years and Andrew has 5 ½ years total with the department. Jared would have a year and 7 months full time and Andrew has about a year and 4 months. Another gentleman would have been a part of this agreement although he left previously, who had 5 years in total. Roger also referenced article 20:2 an employee who has earned vacation time for reasons of employment with Perry Township Fire Department, will be able to transfer his/her vacation time to another department/ jurisdiction so they count. Article 20:23 states all named employees' service time with Perry Township shall be credited towards vacation leave. Roger stated that none of the articles explain that the employee must be full-time, and this is why they are grieving it, as the words stated previously, they have the right to test.

Roger also stated the appendix definitions on anniversary date is the actual date of hire to full-time or employment to Perry Township Fire Department. The wording allows the vacation time to be utilized for full and part-time status. Jared came forward and said he would like the opportunity to test for the position even if he was not picked just to have the ability to test to see where he would be and what areas he would need to work on. Discussion was had with the Board on wording and why they felt the grievance was necessary.

Trustee Miller asked to confirm that part-time firefighters are not union members, it was confirmed that was correct. Law Director Mathews asked Andrew how long he has been full-time. Andrew stated he has been full-time since May or June of 2023. Jared stated he has been full-time since February 2023. Law Director Mathews stated some language issues in the 39:1 & 39:2 articles. The Law Director asked for clarification on what a regular firefighter in the fire department is. Roger stated they could get on the truck, and follow commands on who was in charge. The Law Director asked and confirmed that it meant a full-time firefighter. The rank immediately above regular firefighter would be captain, was asked by Law Director Mathews. Roger confirmed that the captain would be right above that. 39:1 per Law Director is drawn from civil service law as it uses the phrase regular firefighter which speaks to positions above regular firefighter. 39:2 speaks to a vacancy in the promoted rank, immediately above regular firefighter. Law Director Mathews stated the wording is off as we do not have a position right above the regular firefighter that we are talking about. Law Director Mathews stated the context in 39:1 and 39:2 is some vacancy above regular firefighters which would be a captain. Discussion was had between the union rep and the Law Director about wording and how things may need to be revisited. Trustee Nelligan asked that maybe they consider how would they feel if a part-time person, who does not put in full-time hours and know the ins and outs of the department like they do, how would they feel if that person were chosen for the promotional position. Further discussion was had between the gentlemen with the Perry Township Fire Department and the Board.

Executive Session

With nothing further to come before the Board, Trustee Miller made a motion to adjourn into executive session at 8:07 p.m. Seconded by Trustee DeChiara.

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

Adjournment:

The Board returned from the executive session at approximately: 12:15 a.m.

Trustee Miller made a motion to authorize the Law Director to draft a determination on the grievance regarding the captain's vacancy. Seconded by Trustee Nelligan.

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

With nothing further to come before the Board of Trustees, Trustee Miller made a motion to adjourn the meeting at 12:15 a.m. Seconded by Trustee Nelligan.

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

Matt Miller, President

Craig Chessler, Fiscal Officer