

Perry Township Board of Trustees

Regular Meeting

August 6, 2024, 6:00 pm

The meeting was called to order at 6:00 p.m. by Board President Miller. All Trustees were present.

Pledge of Allegiance

Welcome & Recognition of Invited Guests

- a. Trustee Miller made a motion to adopt the resolution to hire John Wellman as the Public Works director. Seconded by Trustee Nelligan.

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

- b. Oath of Office for Full-time Public Works Director~ John Wellman

10-minute recess

Excused absence: None

Communications/Announcements Details are available at Perrytwp.com

- a) Rotary Parade & 10th Annual Perry Township Oktoberfest Sponsored by AQUA ~ Sat. September 21st Rotary Parade steps off at 11:30 am followed immediately followed by the Oktoberfest from 12 pm to 3 pm at Hartwick Park. Event details at Perrytwp.com

Additions/Deletions to Agenda – Roll Call by Department:

Fire: None

Administration: Request for FMLA & Request to pay Canton Data invoice for the summer community magazine

Road: None

Police: None

Zoning:

deletions- 3517 Bailey St. N.W. & 5113 13th St. S.W. & 5113 13th St. S.W.

Additions-

1. proposed resolutions: removal of 18 concrete benches along the I-72 corridor, Tuscarawas, and Lincoln Way.
2. Adult use Canibas

Law Director: None

Fiscal Officer: None

Trustee DeChiara: None

Trustee Miller: executive session under ORC 121.22 (G)(1) compensation of public employees to include the Board, Law Director, and Fire Chief.

Trustee Nelligan: Recognition of Chief Taylor

Public Speaks on Agenda Items Up for Action: None

Consent Agenda Items: None

Old Business:

- a) Diehl Automotive: Discussion was had regarding a road behind Diehl Automotive and how to handle access going forward. No action was taken.
- b) Toss & Fetch: The group would use Oak Park 1day a week for the toss & fetch. They had a certificate showing they had insurance coverage.

New Business:

- a) **Fire:** Consider the resignation of Eric Foutz part-time Firefighter/EMT effective August 6, 2024. Chief Sedlock stated they would be recognizing him for his years of dedicated years of service to the Fire Department and the community at a later date. Trustee Miller made a motion to accept the resignation of Eric Foutz. Seconded by Trustee DeChiara.

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

- b) **Police:**

1. Consider accepting the Drug Use Prevention Grant Award in the amount of \$23,005.38. Chief Taylor stated that the grant was used to partially fund the school resource officer who runs the D.A.R.E program in Perry Local Schools. Trustee Miller

made a motion to accept the Drug Use Prevention Grant Award in the amount of \$23,005.38. Seconded by Trustee DeChiara.

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

2. Consider accepting the Sport Fish Restoration Grant Award in the amount of \$8,667.50. Chief Taylor stated this grant is used to assist in funding the annual Cops and Bobbers event. Trustee Miller made a motion to accept the Sport Fish Restoration Grant Award in the amount of \$8,667.50. Seconded by Trustee DeChiara.

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

c) Public Works:

1. Consider the Perry Heights water main replacement project~ Phase 2. The Township Administrator Martin stated that the Acting Public Works Director created a memo for the Board to review and documents to look over. Trustee Miller made a motion to accept the Perry Heights water main replacement project. Seconded by Trustee Nelligan.

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

2. Consider a recommendation for a contractor to fix sinkholes on Hartwick/ Fairlawn and 12th Street. Trustee Miller made a motion to bid from Underground Services Inc. for a contractor to fix sinkholes on Hartwick along with Fairlawn/12th Street in the amount of \$8,750.00 for the corner of Fairlawn & 12th St. sinkhole. Seconded by Trustee DeChiara.

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

Trustee Miller made a motion to utilize Underground Services Inc. in the amount of \$11,225.00 for the sinkhole at Hartwick St. Seconded by Trustee DeChiara.

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

d) Zoning:

1. Consider a citation for 610 Orrville St. N.W. Massillon Ohio 44647 in the amount of \$100. Trustee Miller made a motion to accept a citation for 610 Orrville St. N.W. Massillon Ohio 44647 in the amount of \$100. Seconded by Trustee DeChiara.

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

2. Consider a citation for 4901 Trafalgar St. S.W. Canton 44706 in the amount of \$250. Trustee Miller made a motion to accept citation for 4901 Trafalgar St. S.W. Canton 44706 in the amount of \$250. Seconded by Trustee DeChiara.

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

3. Consider a citation for 4852 15th St. S.W. Canton 44710 in the amount of \$500. Trustee Miller made a motion to accept the citation for 4852 15th St. S.W. Canton in the amount of \$500. Seconded by Trustee DeChiara.

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

4. Consider a citation for 4908 15th St. S.W. Canton 44710 in the amount of \$500. Trustee Miller made a motion to issue a citation for 4908 15th St. S.W. Canton, OH 44710 in the amount of \$500. Seconded by Trustee DeChiara.

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

5. Consider Eslich Wrecking Company \$11,000 for the demolition of 124 Rohr Ave. N.W. Massillon, 44646. Trustee Miller made a motion to accept Eslich Wrecking Company for \$11,000 for the demolition of 124 Rohr Ave. N.W. Massillon 44646. Seconded by Trustee DeChiara.

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

6. Removal of benches on Tuscarawas & Lincoln Way. Resolution in supporting documents. They pose a potential harm to users. Trustee Miller made a motion to adopt the resolution to abate and declare the benches a nuisance. Seconded by Trustee DeChiara.

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

7. Zoning Inspector Whystell stated that in 2017 previous Board approved a plan to prohibit cannabis use in the Township. After the passing of Issue 3 language is changing and evolving on issues related to dispensaries and cultivators. Zoning Inspector Whystell asked consideration of the Board to update the resolution so that language of our resolution that we choose to adopt the current language of the State law. Law Director

Matthews suggested updating some revisions to the zoning code or affirmatively not allowing any dispensaries or use. Law Director Matthews stated that the law still allows the Township to prohibit use/dispensaries or you can allow them and limit the number. Trustee Nelligan asked the Law Director how to go about hearing from the residents on what they would want. The Law Director stated that many other communities have investigated this and crafted provisions that we can draw from and modify in our Township. We would have a hearing in front of the Zoning Commission on any proposed changes, and once it comes back to the Township then a public hearing. You would promote the hearing on the Township webpage and let residents know that this would be a topic you are considering. Trustee Miller made a motion to adopt the resolution on the moratorium for Six months. Seconded by Trustee DeChiara.

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

e) **Administration:**

1. Consider ratifying the 12th St. & Summerdale Resolution at 2024 rates. Administrator Martin stated that Mr. Mencer came forward because he had some inquiries on payment of the culverts. Administrator Martin wanted to clarify that the Township is not paying for the culverts we are just receiving a refund for the paving. The administrator stated that a resolution was attached to the supporting documents. Trustee Miller made a motion to ratify the 12th St. and Summerdale resolution at the 2024 rate. Seconded by Trustee DeChiara.

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

2. Consider accepting a resolution for the construction maintenance responsibilities of Orrt Street requested by Daniel J. Houck SCE~Chief Surveyor. Trustee Miller made a motion to accept the resolution to accept the maintenance responsibilities of Orrt St as requested by the Stark County Engineer Chief Surveyor. Seconded by Trustee DeChiara.

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

3. Consider a resolution to declare trees on Warmington Road a nuisance. Trustee Miller made a motion to consider a resolution to declare trees on Warmington Road a nuisance. Seconded by Trustee DeChiara.

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

4. Consider paying the Canton Data Print Invoice in the amount of \$11,417.13. Supporting documents were provided to outline the cost on the invoice. The amount due is \$11,417.13. Trustee Miller made a motion to pay the invoice to Canton Data Print for the Summer magazine in the amount of \$11,417.13. Seconded by Trustee DeChiara.

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

5. Consider Employee A to utilize his/her full Twelve weeks of FMLA to recover from a serious illness. Administrator Martin stated Employee A has met all appropriate criteria for FMLA. The applicant is aware they are responsible for informing their department head of approved FMLA leave for scheduling purposes. Trustee DeChiara made a motion to accept Employee A's full Twelve weeks of FMLA leave. Seconded by Trustee Miller.

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

- f) **Law Director:** Consider the 2024 road paving award to Superior Paving & Materials. Law Director Matthews stated that the bids were opened at the previous Board meeting and the bids were also reviewed by the Road Department and were organized from lowest to highest bid. Law Director Matthews stated that Superior Paving was in full compliance with the bid specification and believed they could be awarded the lowest and best bid of the packet. Law Director Matthews stated they should award a contract to Superior Paving for the paving project subject to substitutions as may be required to coordinate with the Canton Water Project. Trustee DeChiara asked when they anticipated the project to be done and Law Director Matthews stated November 1st or November 15th. Trustee Miller made a motion to award Superior Paving and Materials pursuant to substitutions in line with the Canton Water Project. Seconded by Trustee Nelligan.

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

g) **Fiscal Office:**

1. Consider Pending Warrants for week ending 07/16/24 for bills in the amount of \$231,660.93 and week ending 07/23/24 for bills/payroll in the amount of \$490,090.00 and week ending 07/30/24 for bills in the amount of \$250,462.23 for a combined total

of \$972,213.16. Trustee Miller made a motion approving the pending warrants ending the week of 6/4/24 for bills total of \$75,115.53 and the week ending 6/11/24 for bills/payroll in the amount of \$250,462.23 for a combined total of \$972,213.16. Seconded by Trustee DeChiara.

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

2. Consider the request for Lighting District Renewal. Fiscal Officer Chessler stated that the rates for the coming year will remain the same. Trustee Miller made a motion to accept the Lighting District renewal. Seconded by Trustee DeChiara.

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

h) Trustees

1. Trustee Nelligan:

- i) Trustee Nelligan gave thanks to Chief Taylor and his team for putting on a great event, Cook out with a Cop. They had so many smiling faces, and Trustee Nelligan stated it was a great event and the community came out.
- ii) Trustee Nelligan stated she was contacted by Patty Perry; Regis Perry's wife and she is willing to donate new signs for Perry Park. Patty was wondering if any zoning issues and if the Township could install the signs. Fiscal Officer Chessler stated he recalls a ceremony to change the name after Regis. Trustee Nelligan stated she would reach out to Patty. Trustee Miller made a motion to grant authority to Trustee Nelligan to move forward with the Perry family in regard to signage at Regis Perry Memorial Park. Seconded by Trustee DeChiara.

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

2. Trustee DeChiara Jr.: Consider parking issues on Wrexham Ave. S.W. and Edgewater Ave. N.W. Discussion was had regarding the parking issues on Wrexham Ave. S.W. and Edgewater N.W. Chief Taylor stated he will work closely with the Public works director and Fire Chief to make sure they are looking into it.

3. Trustee Miller:

- i) Consideration of Levies. Trustee Miller made a motion to proceed to ballot the Road replacement of 1mill and 2.9 mill increase. Seconded by Trustee DeChiara.

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

- ii) Trustee Miller made a motion to proceed to the ballot a Fire replacement levy in the 4.9 mills. Seconded by Trustee DeChiara.

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

Public Speaks:

Tim Lewton: Tim Lewton stated his address was 1615 Sherwood Ave. Massillon Ohio 44646. Tim stated that the parks look better this year than they have ever looked. Tim stated that Fasnacht Farm looks better than it has ever looked. Tim stated he spoke with some who garden at the Farm and they all agree, that the grounds look great.

Karl Duell: Karl Duell stated his address was 8178 Navarre Rd. S.W. Massillon. Karl stated he is a general contractor, has lived in Perry for 9 years, and has had no lawsuits. Karl felt that advertising bids for projects could be more accessible. He has spoken with fellow business owners and several of them had the same concern. Karl asked that the Board make a motion to list local brick-and-mortar construction businesses in the hallway of the administration offices based on the merits of paying commercial land tax. He requested that they receive personal notification to bid on Township projects in the future. He felt it should be available to residents who live in the district for any upcoming projects. Trustee Miller stated that the bidding process is tightly controlled by codes. Administrator Martin stated that biddings are placed in the newspaper for 2 consecutive weeks. Law Director Matthews stated that legal changes are trying to be constructed.

Shaun Matakko: Shaun stated he was the pastor of Whipple Ave Baptist Church. Shaun stated his address as 4420 2nd St. N. W. Shaun thanked the Board for allowing Southway and Watson schools to get up and running and they are magnificent buildings and a great benefit to the community for years to come. Shaun stated that the Perry Township sign was on the corner of Tuscarawas & Whipple Ave. He was wondering if the Township was planning on doing anything with the sign to enhance its beauty and offered volunteers that could assist with the maintenance of the sign, anything they can do as a church and group they would love to help. Trustee Miller stated the Board has not discussed what will come of the sign. Trustee Nelligan stated she was in the most recent Rotary meeting and discussion was had on

scrubbing the sign and possible flower replacements that have died. Law Director Matthews stated that Administrator Martin had a form that Shaun could fill out regarding volunteering in the community.

Tom Nelligan: Tom Nelligan stated his address as 7535 Kenny St. S.W. Massillon Ohio 44646. He wanted to thank the Township for the Board's collaboration and work with the Pickleball courts. Tom has used them extensively over the past several months and the community cannot be happier with what the Board has done. They have 40 people almost every night.

Executive Session

With nothing further to come before the Board, Trustee Miller made a motion to adjourn into executive session at 7:27 pm. Seconded by Trustee Nelligan.

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

Executive Session(s):

ORC 121.22 (G) (1) executive session discussion to consider compensation of a public employee to include the Board, Law Director, Administrator, and Police Chief

ORC 122.22(G)(1) executive session discussion to consider hiring an Assistant Zoning Inspector to include the Board, Law Director, Administrator, and Zoning Inspector

ORC 121.22 (G)(1) Discuss including the Fire Chief, Law Director, and the Board

Adjournment:

The Board returned from the executive session at approximately: 9:34 pm.

Trustee Miller made a motion to authorize the Law Director to complete and issue a response to the Fire Department Union regarding the collective bargaining grievance. Seconded by Trustee DeChiara.

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

Trustee Miller made a motion to authorize the Police Chief and Administrator to calculate and prepare final payment for vacation, sick, and comp time to Ben Barrett. Seconded by Trustee DeChiara.

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 9:35 p.m. Seconded by Trustee Nelligan.

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

Matt Miller, President

Craig Chessler, Fiscal Officer