

Perry Township Board of Trustees

Regular Meeting

February 7, 2017 7:00 pm

Call to Order/ Pledge of Allegiance:

Excused absence: John Masalko, Road Superintendent; Chris Young, Assistant Road Superintendent here in his absence.

Additions/Deletions to Agenda:

Public Hearings/Invited Guests:

Officer Timothy J. France ~ Retirement and Recognition of 35 Years of Service

Trustee Chessler welcomed Tim France as the Board's Guest of Honor this evening due to his approaching retirement. Trustee Chessler stated that the Board would like to honor Officer France for his 35 years of service with the Perry Township Police Department.

Trustee Chessler gave a brief overview of Officer France's start with the Perry Township Police Department in June of 1981 and indicated that he was one of the original nine full-time police officers when the department first began operations. Trustee Chessler shared that Officer France has had many highlights in his career and has helped tremendously with multiple, large projects within the police department.

Trustee Chessler stated that Officer France will be greatly missed by his co-workers, supervisor and by the community in which he has served so proudly for the last 35 years. Trustee Chessler stated that after retiring, Officer France plans to spend time with his family and to keep up with his many hobbies.

Trustee Chessler presented Officer France with a plaque as a token of appreciation and thanks for his dedication and hard work on behalf of the Board.

Chief Pomesky gave some brief remarks about Officer France and indicated that he is one of those guys that you just don't replace.

Officer France thanked the Board and stated that it has been his pleasure and an honor to serve Perry Township.

Trustee Chessler made a motion that the letter tendered dated January 30, 2017 and signed by Patrolman T.J. France noting his decision to retire, that the Board accept that letter and consider his last day of employment as February 9, 2017; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Trustee Chessler made a motion regarding that vacancy and pursuant to the Police Chief's request, the Board authorize Chief Pomesky to move forward in posting the job to fill the part-time position within the department; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Tony Spitale ~ ION Power Utility Savings Analysis

Trustee Chessler welcomed Mr. Spitale here this evening and indicated that he would be speaking in regard to energy savings.

Mr. Spitale thanked the Board for having him here tonight and indicated that he is with ION Power. Mr. Spitale stated that he has provided the Board with a savings analysis for electricity, attached before the Board. Mr. Spitale indicated the electric savings rate the Township would be locked in at for a 36 month time frame.

Several inquiries made by the Board in regard to what, if any, penalties would be realized if the Township were to opt out of this program after we had already been established and in addition, it being allowable to choose an electric program and not a gas program through ION. Mr. Spitale addressed each of those questions.

Trustee Chessler relayed that we are contracted for the gas for our public buildings through SCSCOG, the Stark County Council of Governments, and gave a brief overview regarding the participating agencies that utilize this.

Law Director Hall inquired as to the rate Mr. Spitale quoted. Mr. Spitale gave a brief explanation in that regard.

Trustee DeChiara indicated that he met with somebody concerning LED quotes to reduce the Township's electric wattage and inquired of Mr. Spitale if that would affect the Township's contract with them. Mr. Spitale verified that it would not and added that it is based on usage.

Trustee Chessler inquired when the 36 month term would start. Mr. Spitale indicated that it would start in March.

Trustee Haines inquired of Mr. Spitale if he was still working with another person regarding the LED lighting. Mr. Spitale indicated that he has worked with Ms. Erin Baker and added that he would relay the message for her to contact the Board regarding some LED lighting possibilities.

Trustee Haines made a motion that the Board enter into an agreement with Santanna Retail Ohio Electric Sales Agreement for the proposed rate of .05582 for a 36 month contract commencing March 1, 2017; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Communications:

Stark Soil and Water Conservation District Hosting Green Cleaning Products Workshop on February 8, 2017 6:00-8:00 pm at Perry Fire Station #3

Trustee Chessler indicated that we have received from Stark Soil and Water Conservation District that they will be hosting a Green Cleaning Products Workshop on February 8, 2017 from 6-8 pm at the Perry Fire Station #3. Trustee Chessler relayed that the Board has received a flyer of the specifics there.

Public Speaks on items up for Board Approval: None.

Township Business requiring Board Action: None.

Unfinished Business: None.

New Business:

Trustee Chessler made a motion to approve bills in the amount of \$23,511.59 for the week ending January 31, 2017 and bills and payroll in the amount of \$190,375.29 for the week ending February 7, 2017 for a combined total of \$213,886.88; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Fiscal Officer:

Administration:

Consider 2016 Township Highway System Mileage Certification

Trustee Chessler indicated that the Board received a letter from the Stark County Engineer's Office dated January 12, 2017; this is the annual correspondence from the County Engineer where we are notified of the Township Highway System Mileage Certification for the year 2016; it notes that the total certified mileage at the end of calendar year 2015 for Perry Township was 144.820 miles as certified by the Board the Township directed or reported by the Director of Transportation. They are asking for the Board to approve the resolution adopting that certification.

Trustee Chessler made a motion that the Board of Trustees approve the Ohio Department of Transportation certification form for the mileage of Perry Township and forward that back to the Stark County Engineer; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Consider Stark Soil and Water Conservation Annual Appropriation in the Amount of \$5,000

Trustee Chessler indicated that because of the NPDES (National Pollutant Discharge Elimination System) program, the Township is obligated to comply with certain requirements of the Ohio EPA mandates by April 1st of each year. The Township contracts the services of Stark Soil and Water Conservation District as do many communities similarly situated and that report is conducted to enlist a review by

community; a list of total number of inspections; and a Memorandum of Understanding accepted in 2014 (through 2018).

Trustee Chessler stated that in compliance with our obligations under the NPDES program, makes a motion that the Board authorize payment in the amount of \$5000.00 to Stark Soil and Water Conservation District to assist Perry Township in complying with our NPDES requirements; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Consider two (2) Indigent Burial Authorizations

Trustee Chessler stated that the Board has been notified in the last several weeks regarding our statutory obligation to conduct indigent burials. Trustee Chessler stated that in a small amount of time, two separate indigent matters have come forward and indicated that he would outline the pertinent facts regarding both of these requests.

We received a call from the Stark County Coroner's Office on January 17, 2017 regarding the decedent, Theresa McCollister. This matter has been investigated by the Law Director who has assisted the Township Cemetery Sexton to comply with our requirements. Three quotes were obtained for a cremation burial; the lowest was from Lamiell Funeral Home in the amount of \$595.00. Trustee Chessler stated that the Township is also obligated to provide a burial marker which would be a 12x8 inch granite marker from Family Memorials in the amount of \$280.00.

Trustee Chessler made a motion that the Board acknowledge and recognize an indigent burial for the decedent Theresa McCollister and that we engage the services of Lamiell Funeral Home for a cremation service, cost not to exceed \$595.00 and also authorize the payment to Family Memorials in the amount of \$280.00 for an appropriate grave marker; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Trustee Chessler stated the second indigent request is a particularly sad one for Angelyna Callahan who recently passed away. Trustee Chessler stated that similarly, we have investigated the circumstances in order to comply with our obligations; we are notified that the burial had taken place on December 30, 2016 at Richville Cemetery; there was a plot utilized and there was an opening and closing fee for the burial. Trustee Chessler stated that similarly, a grave marker will be provided from Family Memorials in the amount of \$280.00. According to our Township fee schedule, the cost of the plot is \$600.00, the opening and closing fee was \$330.00.

Trustee Chessler made a motion that the Board authorize and approve those expenses pursuant to our obligations for indigent burials; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Law Director Hall stated that before we leave this subject, wanted to relay that he was notified late this afternoon by the Coroner's office that he and our cemetery sexton were made aware of an additional indigent burial matter related to an opioid induced death. Mr. Hall relayed that he will gather the information and coordinate this with the Administrator and cemetery sexton. Mr. Hall stated that our Administrator has put together a document to verify and clarify someone as an indigent status and confirm that they are residents of Perry Township. Mr. Hall relayed his concerns about additional indigent matters that may arise with the height of the overdose deaths.

Fire Department:

Consider Dispatching Contract with CenCom

Trustee Chessler indicated that the Board is aware that we enter into and renew a contract on an annual basis with CenCom for our dispatching service for the Fire Department. Trustee Chessler relayed that as in years past, the Fire Chief has presented the Board with a memo that includes the pertinent facts about the renewal terms and also a comparison that is done on an annual basis. Trustee Chessler inquired of Chief Martin if there was anything else with this that the Board would need to know. Chief Martin confirmed that this contract was the same but added that there is a considerable difference in price compared between the two comparisons attached before the Board.

Trustee Chessler relayed to Law Director Hall that he knows he has reviewed this matter in the past; Law Director Hall confirmed that this contract was appropriate and ready to proceed.

Trustee Chessler made a motion that the Board renew its agreement with CenCom for our fire dispatching for the upcoming year in the terms outlined in the Agreement; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Consider Resignation of Part Time Firefighter/Paramedic Dan Pittman

Trustee Chessler indicated that the Board is in receipt of a memo from the Fire Chief noting that the department is requesting the Board of Trustees to accept the resignation of part-time firefighter/paramedic Dan Pittman effective today, February 7, 2017 and noting that he has accepted a fulltime position with the City of Cuyahoga Falls Fire Department. Trustee Chessler stated that based on this information makes a motion that the Board accept, effective today, the resignation of Dan Pittman; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Consider Resignation of Full Time Firefighter/Paramedic Vince DeLuca

Trustee Chessler stated that the Fire Department is also requesting the Board of Trustees to accept the resignation of fulltime firefighter/paramedic Vince DeLuca effective February 10, 2017; Mr. DeLuca has accepted a fulltime position with the City of Green Fire Department. Trustee Chessler made a motion

that the Board accept the letter of resignation from Vincent D. DeLuca effective February 10, 2017; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Police Department:

**Consider Additions to the Police Department Policy Manual
Consider Approval of Recruiting and Hiring Policy~Ohio Collaboration**

Trustee Chessler stated that Chief Pomesky has working diligently with several matters regarding our Policy and Procedures Manual and before the Board this evening is the consideration of several things. Trustee Chessler relayed to Police Chief Pomesky if he could please outline what the policies are and what he is asking the Board to do.

Chief Pomesky stated that for the first time in the State of Ohio, the Ohio Collaborative established standards for law enforcement agencies across the state; one of the focal points of these standards is to instill a greater confidence with the public and increase professional standards in law enforcement.

Trustee Chessler indicated that the first policy that Chief Pomesky is asking the Board's approval for is regarding recruiting and hire; this has been a model policy that the State has provided. Trustee Chessler relayed that Chief Pomesky has indicated that he has had an opportunity to review this and make several changes to it, with Law Director Hall's review and approval for the Township. Chief Pomesky is asking for the Board's review and approval of the Recruiting and Hiring policy.

Law Director Hall indicated that the form that the Collaborative filed did not fit the Perry Township Police Department and thanked Chief Pomesky for working with him to correct the format attached before the Board; this is more suited to the Perry Police Department than the original form.

Trustee Chessler stated that one thing that he would like to bring up to discuss among the Board members tonight is a component of this to be identified as the recruiting and hiring policy. Trustee Chessler stated that the Board has always strived to comply with state and federal law, with our policies and procedures to have an open, fair and comprehensive policy to attract the best candidates; his concern that he has voiced to the Police Chief and Law Director is whether or not by adopting this policy, we are creating standards or aspirational goals that someone could say arbitrarily that we didn't meet. Trustee Chessler gave some additional remarks in regard to this matter and indicated that a lot of effort has gone into this and he will respect the opinion of his colleagues.

Trustee DeChiara inquired in regard to this policy concerning the federal regulations of hiring. Law Director Hall stated that we have edited, pared down and tailored this language so that, in his opinion, there is no additional obligation in the state and federal law already placed on the department.

Trustee DeChiara inquired of Chief Pomesky if this would make the hiring process any more difficult. Chief Pomesky indicated that he did not think so and added that they have already been doing these things.

Law Director Hall stated that he and Chief Pomesky have been editing the language for several weeks and stated that he is comfortable that this imposes no additional burden or restriction than you are already faced with by state and federal law.

Trustee Chessler inquired of Chief Pomesky if he is asking the Board to pass upon these as a package. Chief Pomesky stated that this could be done individually or whatever would be the Board's preference. Trustee Chessler relayed that we could do this collectively and also inquired if we could refer these as to policy initiatives. Chief Pomesky indicated that reference could be made as it was titled as the Recruiting and Hiring Policy; in addition, the Board previously authorized the Police Department to migrate to Lexipol for our policies and procedures manual and in working with this in the last several months, the first four sections are ready with additional chapters in the next upcoming meetings. The first would be the Preface for the Manual; the second would be the Laws Enforcement Code of Ethics, the third would be our Department Mission Statement and the Social Media Policy. Chief Pomesky stated that all of these have been reviewed and sent to the Law Director for review and is asking for the Board's approval so that we can move forward with the migration process.

Law Director Hall stated that he would ask Chief Pomesky to break down the Lexipol process into bite size matters. Mr. Hall indicated that of the three that is being presented tonight, the one he would suggest that the Board be most attentive to is the social media policy.

Trustee Chessler stated that he would address each of these as to how they appeared on the Agenda; Agenda Item requesting approval of Recruiting and Hiring policy for the compliance with the Ohio Collaboration makes a motion that the Board approve the current and final version of that to draft policy; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Lexipol

Consider Preface for Manual Code of Ethics

Consider Mission Statement

Consider Social Media Policy

Trustee Chessler stated that the Police Chief, by memo dated 2-3-17 to the Board of Trustees has outlined the policy and procedural manual section for approval and that includes the Preface, the Code of Ethics, the Mission Statement and the Social Media Policy, takes those collectively and makes a motion that the Board approve those policies and authorize the Chief to take whatever steps necessary to integrate this with the efforts of Lexipol; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Road and Park Department:

Consider Accepting Elmbreeze Drainage Easement Prepared by Stark County Engineers

Trustee Chessler indicated that this next Agenda item is a matter that all of the Board members have had some involvement with and added that this dates back many years where the Board was asked to

solve a drainage problem on Jackson Avenue and Elmbreeze where we installed a pipe off of the roadway; for a while, this has served its purposes, but we were notified of additional flooding problems that affected not only the residents there, but Jackson Avenue which is in the jurisdiction of Massillon, Perry Township roadways so this was a multi-jurisdictional project that we were looking at. Trustee Chessler stated that we had convened with Gary Connors from the county to assist us; all of the affected property owners were involved in discussions and finally we came up with a solution that involves many things, one of which is the creation of a drainage easement that doesn't exist in its necessary scope.

Trustee Chessler stated that we will have to create a drainage easement and indicated that Law Director Hall has obtained the signatures of the affected landowners granting those rights to the Township; there are materials to be purchased and there will be costs for installation. We had previously secured the approval of the city of Massillon to participate financially in this project and believe they have made their financial contribution already. Simon Warstler, one of the affected owners who is the primary instigator of this project, has also agreed to participate with a financial contribution. Trustee Chessler relayed that our Road Superintendent has been overseeing and coordinating this project; we are ready to move forward with this project in the next coming weeks. Trustee Chessler verified of Law Director Hall if he would tie up the loose ends in regard to the easement, the agreements and construction.

Law Director Hall indicated that before the Board is an aerial view of the easement of the above-stated matter and suggests that this become part of the meeting minutes. Mr. Hall stated that as pointed out, this project is within the jurisdiction of the City of Massillon, Perry Township roadways and added that Mr. Connors, county hydraulics engineer has done the surveying and engineering on this. Mr. Hall stated that typically, as the Board is aware, it is his opinion and position that there is no authority that the Board have storm drainage easements, however Mr. Connors has verified and reaffirmed that Elmbreeze floods in this area, the flooding goes onto the road surface and undermines the road surface. Mr. Hall stated that you will see that we have fashioned this as a road drainage easement so it is for road purposes. Mr. Hall stated that he has already obtained the signatures of Mr. and Mrs. Eash and Ms. Herstine and indicated that he has a scheduled appointment to obtain the signatures of Mr. and Mrs. Aventino. Law Director Hall stated that until he has obtained these last and final signatures, requests that the Board table this matter until the next meeting and then have the Board accept those easements after they are signed and then recorded with the County Recorder's office.

Law Director Hall indicated that in speaking with Road Superintendent Masalko, the monies are in hand; Mr. Warstler's check is cut and ready to go and it will be a matter of weather and scheduling. Mr. Connors has indicated that they would like to start this project as soon as possible.

Law Director: None.

Zoning:

Problem Properties

Zoning Inspector Cugini indicated that there is nothing to report.

Executive Session(s):

Department Matters Not Requiring Board Action:

Administration: None.

Fire Department: None.

Police Department: None.

Road Department: None.

Parks/Recycling: None.

Zoning: None.

Law Director: None.

Announcements:

~Perry Township Business Exchange quarterly meeting – Thursday, February 9, 2017 from 6-7 pm. RSVP to www.perrytwp.com.

Public Speaks-Open Forum:

Trustee Chessler welcomed Jackson Township Trustee Jamie Walters here this evening.

Mr. Jamie Walters introduced himself and thanked the Board for having him here tonight. Mr. Walters indicated that many of you may realize, our friend, State Representative Kirk Schuring will not be able to run for re-election to the House seat in 2018 and added that after several months of encouragement and talking with a lot of folks throughout the community, he has decided to accept that encouragement and run and have the opportunity to serve in Columbus as our representative. Mr. Walters stated that he wanted to be here this evening to say hello and add that over the coming weeks and months, looks forward to continuing conversations with all of you about the needs and hopes for Perry Township.

Adjournment:

With nothing further to come before the Board, Trustee Chessler made a motion to adjourn the meeting at 7:49 pm; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

Craig Chessler, President

Joe Schlegel, Fiscal Officer