

Perry Township Board of Trustees

Regular Meeting

March 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:

Records Disposal Meeting 6:55 pm

Trustee Chessler indicated that we have previously noted and announced that we are fulfilling our statutory obligation tonight with regard to records retention and disposal. Trustee Chessler indicated that the Board has convened a subcommittee that records commission for the Township to consist of the Fiscal Officer, Joe Schlegel and himself, as Board President. Trustee Chessler stated that Mr. Schlegel has completed the statutory forms to the Ohio Historical Society; the only records that we received were records from the Police Department that were scheduled for disposal; those forms are available for public inspection along with the itemization of the records. This hearing was conducted at 6:55 pm and a vote was taken and we have approved the records disposal according to the state law. Trustee Chessler inquired of Law Director Hall if there was anything else that needed to be done in regard to this matter. Mr. Hall confirmed that this was sufficient.

Police Department Step II Grievance Hearing 7:00 pm

Trustee Chessler indicated that the next item on the Agenda is in regard to the matter that the Board has previously scheduled for hearing tonight as a Step II Grievance for the Police Department. Trustee Chessler relayed that he has noted that we only have a few other matters on the Agenda and verified that if it was okay with everyone, we will take care of this matter at the end of the Agenda in order to have an open ended session and can take as long as is required.

Communications:

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 \$13,601.82 for the week ending February 28, 2017 and bills and payroll in the amount of \$175,520.12 for the week ending March 7, 2017 for a combined total of \$189,121.94; Seconded by Trustee DeChiara.

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

Fiscal Officer:

Consider Accepting the February 21, 2017 Minutes

Trustee Chessler indicated that the next item on the Agenda is for the Board to consider and approve the minutes that were submitted from the February 21, 2017 meeting.

Trustee DeChiara stated that he just wanted to say that he did not know if the minutes from the last meeting accurately reflect the conversation; in particular, his email was not included. Trustee DeChiara also stated in regard to the second paragraph under the Agenda Item 'Discuss Staffing Issues' wherein Trustee Haines relayed to Trustee DeChiara that he had responded to his email through Law Director Hall with his recommendation of putting some numbers to this additional staffing; Trustee DeChiara stated that it is written "Trustee Haines inquired if I had an opportunity to do this", but really he was asking at the time, if I had contacted the Chief. Trustee DeChiara stated that he had replied that he had sent him an email, so that doesn't reflect accurately and then just in general his feelings on the staffing.

Trustee Haines stated that we can make a recommendation that the email be added to the minutes. Trustee DeChiara stated his thanks.

Trustee Chessler relayed to Trustee DeChiara that if there was a matter of phrasing or context that he would like to address, we could table the minutes. Trustee Chessler added that he would suggest that we have a copy of this (meeting minute verbiage) printed out and Trustee DeChiara could mark that up with the proposed changes.

Administrator Fetzer verified for clarification if the above-stated email from Trustee DeChiara was to be attached to the minutes or included in the minutes. Trustee Chessler inquired if the email was read during the meeting. Trustee DeChiara confirmed that he read the email aloud and stated that he could forward a copy to be included. Fiscal Officer verified that we can attach the email to the meeting minutes.

Administration:

Fire Department:

Police Department:

Road and Park Department:

Consider Accepting Elmbreeze Drainage Easement Prepared by Stark County Engineers

Trustee Chessler stated that we have had extensive discussion regarding the matter of the Elmbreeze Drainage Easement project and were ready to proceed last meeting, but had not gathered the sufficient and valid signatures. Trustee Chessler inquired of Law Director Hall if he could update the Board regarding this matter.

Law Director Hall indicated that we have signatures from all three property owners in reference to this matter and added that the cost of this project to the Road Department has grown from the original proposal. Mr. Hall stated that Assistant Road Superintendent Young, here this evening, has shared with him that this is basically a county project, the county is going to do all the labor, but the Township is basically paying under the agreement for the materials. Mr. Hall stated that the total project is \$12,184.00; the City of Massillon has contributed and already paid \$2,223.00; an individual who is going to benefit from the project, Mr. Warstler, has committed to pay \$1,000.00; the Township's portion is going to be approximately \$8,961.00.

Law Director Hall stated that according to Gary Connors of the County Engineer's Office, this is a necessary project that will prohibit flooding on Elmbreeze and that property and should go a long way to alleviate future problems at the eastern edge of Massillon and the western edge of Perry Township. Law Director Hall indicated that if the Board accepts, and that is what the Board would be doing; filing a motion to accept the public drainage easement and will have the Board sign the drainage easement documents and he will record them with the County Recorder tomorrow. Mr. Hall stated that Gary Connors did indicate that if the Board approves and accepts this easement tonight, the project will probably be able to be started next week, March 15th or 16th.

Trustee Chessler verified of Law Director Hall that the easement rights that we are obtaining do have value even if we didn't have to go through and approve them. Mr. Hall stated this is the one thing that the Board should bear in mind, the property owners have donated toward the easements, the Board has not had to pay any money to acquire the easements and that is a significant cost savings to the Township; this is for the benefit of the roadways on Elmbreeze Avenue.

Trustee Chessler verified of Law Director Hall that the action that he is asking the Board to approve tonight is as a Board resolve to accept the public drainage easement. Law Director Hall stated that was correct. Trustee Haines verified that the easements will be filed and if there is any other work to be done in the future; we will have the right to those easements. Law Director Hall stated that was correct.

Trustee Chessler made a motion that based on the information that the Board has acquired before this evening and the information and recommendation of the Law Director and Gary Connors from the Stark County Engineer's Office, will move that we accept the public drainage easements and direct the Law Director to take the steps necessary to record those easements; Seconded by Trustee Haines.

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

Law Director: None.

Zoning:

Problem Properties

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:

Public Speaks-Open Forum:

Trustee Chessler stated that Trustee DeChiara indicated that he would like to make a comment under Public Speaks, but before he does, will ask the members of the audience if there was anyone that would like to address the Board on matters of Township concern during this portion. Seeing none, Trustee Chessler stated that he would turn the floor over to Trustee DeChiara.

Trustee DeChiara stated that he wanted to address the Fire Chief Martin on two things; he appreciated the amount of work the Fire Chief put into working out the facts and figures for staffing. In brief, Trustee DeChiara relayed that his note of criticism toward Fire Chief Martin was in public and he wanted to apologize to him in public for snapping at him in regard to this issue. Trustee DeChiara stated that at the end of the day, we are on the same team and want what is best for the residents and the protection. Fire Chief Martin stated his thanks.

Trustee Chessler stated that this is the Agenda as we have before us, but for the scheduled Grievance hearing. Trustee Chessler relayed that if the members of the dais that were not connected with the Grievance would like to be dismissed, they could certainly do that at this time and added that the members of the audience were certainly welcome to stay as well. Trustee Chessler indicated that he would not call a formal recess but stated that zoning, administration or fire would be welcome to stay.

Trustee Chessler stated that the Board will be considering a Grievance that has been filed by the Police Department that bears the date of February 14, 2017 received here by the Patrol Unit that is represented by Mr. Aliff. Trustee Chessler indicated that for reference sake, will identify this as John Wellman on behalf of the union as the Grievant. Chuck Aliff is the representative of the union here; the noted sections of the contract that are affected are 22.6, 23.2 and 2.3 and will read into the record for

reference sake: On January 14, 2017, Officer Slone and Barrett worked a Perry Basketball game and then on 1-17-17, Officers Fisher and Letta worked a Perry High School basketball game. These officers were not paid the minimum 3 hour pay. There are 5 more games scheduled in January and February.

Trustee Chessler indicated that the Grievance Report Form "Remedy Requested" stated: It has been a long-standing practice that officers are paid a minimum of 3 hours for extra duty jobs. Follow contract and make whole.

Trustee Chessler stated that the Step I was heard by Chief Pomesky on January 31, 2017; he had prepared a response by memo dated 2-9-17 to Officer Wellman with a copy of this going to Charles Aliff and Law Director Hall and he has, in essence denied the Grievance based on the allegations made. Trustee Chessler stated that since then both sides have worked to develop a policy that addresses issues that have not been addressed with certainty prior to this; there are several documents the Board has received that are authored in connection with that subsequent policy; again, it was not in place at the operative time. Trustee Chessler stated that he will turn the floor over to OLC (Ohio Labor Council) representative Mr. Chuck Aliff to set forth the supplemental information on behalf of the Grievance.

Chuck Aliff stated his thanks to the Township for setting aside this opportunity to discuss this Grievance. Mr. Aliff stated he will reference their Grievance tracking number for this matter: 2017-1120. Mr. Aliff stated in regard to the Grievance would like to add one more that is Article 37, the Retention of Benefits that has to deal with past practices. Mr. Aliff summarized the issue behind this Grievance.

Trustee Chessler made a motion that the Board table its decision on the grievance tonight pending a few things; 1. Calculation of the individual officers' claimed losses and submission of that information to the Board. 2. Also, the tab to contact the schools and discuss with them some rectification of miscommunication or misunderstanding and the implementation of the new policy; Seconded by Trustee DeChiara.

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

Trustee Chessler made a motion that the Board received with its supplemental materials tonight, a policy with several attached documents that the main one is terms and conditions for extra duty details and I believe the evidence tonight is both the union and the management here have collaborated to develop this and this policy, as it is written, is acceptable to both sides and makes a motion that based on that, the Board adopt this going forward as the policy on extra duty detail; Seconded by Trustee Haines.

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

Trustee Chessler stated that he will ask Officer Wellman or Mr. Aliff that we have received documents tonight and asked if we could keep them in connection with this. Trustee Haines referenced that there were a stack of documents that could be copied. Trustee Chessler inquired if there were any other matters the Board needed to consider in regard to this Grievance.

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 8:05 pm; Seconded by Trustee Chessler.

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

Craig Chessler, President

Joe Schlegel, Fiscal Officer