

**Perry Township Board of Trustees**

**Regular Meeting**

**May 2, 2017 7:00 pm**

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

**Excused absence:** Fire Chief Martin; Administrator Fetzer

**Additions/Deletions to Agenda:**

Trustee Chessler indicated that Law Director Hall has advised the Board that he, the union and Fire Chief are in discussions about the possibility of resolving the Step II Grievance referenced under the Public Hearings portion of the Agenda; Trustee Chessler verified that we can remove that for consideration for tonight. Law Director Hall confirmed that was correct.

Trustee Chessler made a motion that Agenda item 4a) (**Consider IAFF Local 3960 Step II Grievance Hearing**) be removed for further consideration; Seconded by Trustee Haines.

Trustee Chessler requested that the first item (A) under the Zoning portion of the Agenda also be removed. Trustee Chessler verified of Trustee Haines that some further number crunching and gathering is in order in regard to this matter. Trustee Haines confirmed yes.

Trustee Chessler made a motion that Agenda item (A) under Zoning: **Consider Purchasing Zoning Vehicle** be deleted from the Agenda for consideration of the Board tonight; Seconded by Trustee Haines.

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

**Public Hearings/Invited Guests:**

**Communications:**

**Consider Fireworks Display Request of Steve Toohey**

Trustee Chessler stated this matter is before the Board for consideration in connection with the festivities that will be taking place over the upcoming Memorial Day weekend. Trustee Chessler indicated that he would like to welcome Steve Toohey who has made a request to the Board.

Steve Toohey stated that he appreciated the opportunity to speak this evening. Mr. Toohey briefly addressed the details of the upcoming events; the Ricky Lee music concert is scheduled to begin at 7:30 pm in the Perry High School football stadium and a fireworks display will follow the concert at approximately 9:30-10:00 pm in the practice field just east of the football stadium.

Mr. Toohey stated that he is also here this evening to ask the Board's permission to utilize Meredith Park for Friday, May 26, 2017 for the Hero's Hunt (adult egg hunt) and relayed that some form of police security would also be needed. Mr. Toohey indicated that the Hero's Hunt has been advertised on their facebook page; tickets are \$20.00 and participation is for adults 18 years and older.

Trustee Haines inquired of Law Director Hall if there were any special permits that would need to be obtained or special acknowledgement from the Board. Law Director Hall indicated no and added that since it is going to be on school property and since Mr. Toohey has coordinated with the state and the fire department, there is none.

Trustee Chessler stated that based on the presentation that the Board has received makes a motion that the Township approve the use of the Meredith Park for the Hero's Hunt on Friday, May 26, 2017; these events are scheduled from 6 pm to midnight and further request that the administration and the Law Director assist Mr. Toohey with whatever clerical or administrative details there may be; Seconded by Trustee Haines.

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

Trustee Haines relayed to Mr. Toohey that as he had previously mentioned, there may be a soccer game from 6:30 to 7:30 pm at Meredith Park on Friday evening, but added that he hopes they can work around that schedule for the Hero's Hunt event. Mr. Toohey stated his thanks to the Board.

#### **Consider Road Vacating Request of Mr. Shannan Dedmon**

Trustee Chessler stated that in regard to this next item, the Board has received from Shannan R. Dedmon, a letter requesting the Board to recommend approval of the vacation of easement. Trustee Chessler inquired of Law Director Hall if he would please advise the Board regarding the details of this matter.

Law Director Hall indicated that Mr. Dedmon had first made a request through Zoning Inspector Cugini (for this vacation of easement) and was then referred to him with an explanation via email that the Board can only make a recommendation, the County Commissioners oversee this process. Mr. Hall stated that he does not know if Road Superintendent Masalko or Police Chief Pomesky or Fire Chief Martin has input regarding vacation, but in looking at the plat map, he cannot envision that the Township would have built that road. Mr. Hall inquired if the Board would be prepared to make a suggestion to the County Commissioners or if more input in regard to this matter would be required. Mr. Hall relayed that whatever action the Board may take, he will make sure that it is forwarded to the County Commissioners.

Trustee Chessler indicated that from past experience when the County Commissioners do conduct their hearing, they will ask what diligence we have done; Trustee Chessler indicated that he thought we owe it to ourselves to obtain the plat map and ask the fire and police department for their input as far as the future need for that road and then we can make a more informed report.

Trustee Haines indicated that Mr. Dedmon has a property on both sides of this, but there is a large plot of land that has not been developed up until this point.

Trustee Chessler relayed to Mr. Dedmon that they fully expect that they will say that there is no anticipated need for that but would like to tell the Commissioners that we have done our homework resulting in our recommendation bearing more weight . Mr. Hall stated that he would coordinate that with the department heads and make a report back to the Board.

Trustee Chessler indicated that May 16<sup>th</sup> is our next meeting and relayed that we should have a full report to pass a motion to recommend this to the commissioners. Trustee Chessler inquired of Mr. Dedmon if he had any further questions. Mr. Dedmon stated that he was clear with everything.

**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 and payroll in the amount of \$213,103.98 for the week ending April 18, 2017 and bills only in the amount of \$180,156.54 for the week ending April 25, 2017 and bills and payroll in the amount of \$217,800.07 for a combined total of \$611,060.59; Seconded by Trustee DeChiara.

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

**Fiscal Officer:**

**Consider Accepting the Minutes 04/11/17**

Trustee Chessler stated that the Board has received, in supporting documents, the draft minutes from the April 11<sup>th</sup> meeting and inquired if there were any comments or corrections; hearing none made a motion that the Board approve the April 11, 2017 minutes as submitted; Seconded by Trustee Haines.

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

**Administration:**

**Consider Authorizing Payment in the Amount of \$9,408.92 to Rigg's Construction for the Meredith Park Pavilion**

Trustee Chessler stated that Administrator Fetzer has shared the supporting documents with the Board regarding the request made by Riggs Construction for payment for work that has been done at the Meredith Park Pavilion. Trustee Chessler stated that the Township has received funds from the Perry Township Rotary. Trustee Haines verified that all of these funds were paid through Rotary as well as

from the youth soccer league donation. Trustee Haines indicated that he had visited the site today (Meredith Park Pavilion) and indicated that everything has been completed.

Trustee Chessler stated that based on that makes a motion that the Board approve payment to Riggs Construction for the sum of \$9,408.92; Seconded by Trustee DeChiara.

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

#### **Fire Department:**

##### **Consider the Resignation of Heidi Longwell**

Trustee Chessler stated that the Board has received a letter that was submitted by Heidi Longwell; she has submitted her resignation dated April 6, 2017 and makes a motion that the Board accept this letter as submitted by Heidi Longwell; Seconded by Trustee DeChiara.

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

#### **Police Department:**

##### **Consider Consolidation of Phone/Internet Services to MCTV**

Trustee Chessler indicated that Chief Pomesky has done quite a lot of work on the proposal to consolidate the phone and internet services from Massillon TV and inquired if he would please address the Board in regard to this matter.

Chief Pomesky stated that back in July 8, 2014, we signed a contract for PRI phone service with AT&T through the Police Department; it was a three (3) year contract that will expire on July 8, 2017. Chief Pomesky stated that working with AT&T and looking at the provider quotes in the area, they let him know that they will not be renewing PRI service for the departments and as contracts expire, they are going to be moving entities to their fiber optic service. Chief Pomesky gave a brief overview of the services that AT&T and Massillon Cable (MCTV) can provide.

Chief Pomesky stated in looking at MCTV, they specked out a total package plan to the Township for phone, internet, television, the full package at 50/50 for the service and the total cost to the Township would be \$1,044.28 per month. Chief Pomesky indicated that there is a onetime installation cost of \$1,450.00 for specialized equipment, but added that this would condense us down to one provider, it's a local company and we have experienced great customer service from them throughout the years; Chief Pomesky stated it is his recommendation to move all of their services for phone, television and internet over to MCTV for that agreement.

Chief Pomesky indicated that MCTV representative, Anthony Repp was here this evening to answer any questions that the Board might have.

Trustee Chessler inquired if this was a month-to-month arrangement; Mr. Repp indicated that this would actually be a 36 month standard agreement.

Law Director Hall indicated that he has reviewed these documents from Chief Pomesky and added that they are acceptable as far as form and legal sufficiency.

Trustee Chessler verified that the agreement that the Board will be approving is a 36 month agreement; the total monthly cost is \$1,044.28 and a onetime \$1,450.00 charge for splicing/engineering and specialized equipment.

Trustee Chessler inquired of Chief Pomesky if he had to notify, or is there a process to terminate our agreement with AT&T. Chief Pomesky indicated that there is and added that he will have to notify them and take the steps necessary to cancel their services.

Trustee Chessler stated that he makes a motion that the Board approve authorizing the Police Chief to take the steps necessary to enter into the agreement with Massillon Cable Television Services for phone, television and internet service for a 36 month period at a monthly cost of \$1,044.28 and including a onetime charge of \$1,450.00 for a splicing/engineering and specialized equipment cost; Seconded by Trustee Haines.

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

#### **Consider Procedure Manuals for Approval**

Chief Pomesky indicated that the Board had previously approved the Police Department to begin updating the policy and procedure manual through Lexipol. Attached before the Board are the four (4) additional sections to be included in the updated policy and procedure manual: Law Enforcement Authority; Chief Executive Officer, Oath of Office; Policy Manual. Chief Pomesky stated that these sections have been submitted to Law Director Hall for review and approval and are ready to be issued to the officers upon the Board's approval for their incorporation into the new manual.

Trustee Chessler inquired of Chief Pomesky if the source of this was a model code or manual. Chief Pomesky explained that there is a team of attorneys through Lexipol that produce the model policies and gave a brief explanation in this regard. Trustee Chessler inquired of Chief Pomesky if he had drawn on this source for other portions of this manual in that the language and terminology is consistent. Law Director Hall indicated that they were collating them as they come in and added that the Chief has been good to tailor them to fit this department so we are not blindly accepting something that may come from Cleveland, Cincinnati or Columbus. Mr. Hall indicated that they were also coordinating this with the union contract and current policy to be a progressive step forward rather than a re-write of the current policies and procedures.

Trustee Chessler inquired as to one section titled: Chief Executive Officer and indicated that we don't have that designation in our Township hierarchy and inquired if that was an interchangeable term. Chief Pomesky that it can be. Mr. Hall stated that when you read the definition portions, it is consistent, but the reference to Chief Officer or Chief is consistent with the historical content here in Perry Township.

Trustee Chessler stated that based on the request of the Chief, makes a motion, with edits and some terms, that we approve and adopt those provisions of the procedural manual to be adopted and incorporated into our existing document; Seconded by Trustee DeChiara.

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

### **Road and Park Department:**

Trustee Chessler stated that he would like to note for the minutes tonight that at a late hour, Road Superintendent Masalko asked to be excused from tonight's meeting because of a family matter and added that he thanks Assistant Road Superintendent Young for attending tonight on such short notice.

### **Consider Hiring Gerald Wilson and Jacob Blose as Part-Time Park Employees**

Trustee Chessler stated that the Board is in receipt of a memo dated April 27, 2017 from the Road Superintendent asking the Board to consider adding Gerald Wilson and Jacob Blose as part time seasonal employees for the Park Department. Proposed wage is \$10.50 per hour and 28 hours a work week not exceeding 1500 working hours within a year. Road Superintendent Masalko has indicated that their driving records were checked with no violations found. With Board approval and after they have passed their drug and alcohol testing, he has requested their start date to be May 8<sup>th</sup> and May 20<sup>th</sup>, respectively.

Trustee Chessler stated with that and for further consideration, makes a motion to hire Gerald Wilson and Jacob Blose as part time seasonal employees with the Park Department at \$10.50 per hour to work not more than 28 hours per week and not to exceed 1500 working hours within the year and contingent upon passing a drug and alcohol screening, they would meet Board approval of the hired May 8<sup>th</sup> and May 20<sup>th</sup>, respectively; Seconded by Trustee Haines.

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

### **Consider Road Paving**

Trustee Chessler stated that the total that stands now is 3,550 ft. of Stump Avenue from Navarre Avenue to Kemary, 10, 862 linear ft. on Kemary Avenue from Stump to Fohl; 10,904 ft. on Bailey St. from Genoa to Jackson; and 5,890 ft. from 14<sup>th</sup> St. SW on Perry Drive to 13<sup>th</sup> St. SW; that cost-ed out at a total projected expense of \$259,066.09. Assistant Road Superintendent Young indicated that this is just under three miles. Trustee Haines indicated that this is grind-in and grinding the edge once the paving is complete.

Trustee DeChiara indicated that this money does not go far for paving but added that we need to reevaluate where we are and jot-down where we need to go and added that this is a topic for another night.

Trustee Haines gave a brief explanation in regard to the passed road levy wherein we borrowed for three additional years so we could pay for approximately 15 miles of road that first year. Trustee Haines

also gave more explanation as to getting to the point of being able to pave six to seven miles of road each time.

Trustee DeChiara stated that he would like to make a suggestion in regard to Kemary; taking Kemary and using the chip and seal method; and saving enough money in regard to this procedure as a temporary patch/band aid to be able to do more residential streets.

Assistant Road Superintendent Young indicated that Road Superintendent Masalko spoke to the Canton Township Road Superintendent regarding this matter since they had done a similar procedure and gave a brief explanation regarding this matter.

Trustee Chessler stated that it seems as though there are some questions here and inquired to the Board if we would like to table this and speak further. Trustee Haines stated that he agreed that this matter should be tabled and once John (Road Superintendent) gets back in full force, we will have some further discussion. Trustee Chessler briefly indicated that he knows the Road Department puts a lot of work into trying to decide to do the worst (roads) first and added that he thinks we should ask the questions so we have the answers.

Trustee Chessler stated in regard to this Agenda item under the Road Department about road paving makes a motion that the Board table the list of streets until the next regular meeting; Seconded by Trustee Haines.

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

**Law Director:** None.

**Zoning:**

**Request From Stark Parks to Waive Zoning Permit Fee for Wildlife Conservation Center**

Zoning Inspector Cugini stated that the Zoning Department received a letter from Stark Parks dated April 19, 2017; they are asking the Board to consider waiving the zoning permit fees for a permit to construct the new Wildlife Conservation Center at 800 Genoa Avenue NW.

Trustee Chessler indicated that Zoning Inspector Cugini had previously informed the Board of this matter individually and added that this is a political subdivision; the previously adopted provision in our zoning code authorizes this to be done upon Board approval and if there is no objection to this permit fee request makes a motion that the Board either grant the request of the Stark County Park District to waive the permit fee for the construction of their Wildlife Conservation Center at 800 Genoa Avenue NW; Seconded by Trustee DeChiara.

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

**Problem Properties**

**Executive Session(s):**

**Department Matters Not Requiring Board Action:**

**Administration:** None.

**Fire Department:** None.

**Police Department:**

March Monthly Activity Reports

**Road Department:** None.

**Parks/Recycling:** None.

**Zoning:** None.

**Law Director:** None.

**Public Speaks-Open Forum:**

Trustee Chessler stated that anyone wishing to address the Board on matters of Township concern, please give your name and address and step forward to the podium.

Shannan Dedmon, 4404 Richville Dr. – Mr. Dedmon stated that he had a question about when the pipelines move through and they go over the road; they don't really damage the road, but they'll come back and cut a section of the roadway up; are we paying for that or the people doing the work paying for that. Trustee Haines stated that they are paying for that. Mr. Dedmon inquired about the pipeline trucks going up and down the road; do we get any money from the fees that they pay for the permits. Trustee Haines indicated that they video the roads prior to their start and they have to bring them back to that state if they do damage.

Trustee Haines indicated that most of the problems on Kemary have been brought about from the garbage trucks; they were getting off of Route 30 and shortcutting across Kemary to Fohl to get to the landfill. Trustee Haines stated that weight restrictions have been put on that road, but unfortunately, they did some damage there before it could be stopped.

Dan Zachocki, 4461 Lachelle Ave. SW, Massillon – Mr. Zachocki stated that he has an issue with noise; he lives on the border of Massillon by Sterlite. Mr. Zachocki stated that when he built his house there was a field there, but now there is a business; he was told that a wall would be put up and Sterlite would continue that wall all the way down, which they did not. Mr. Zachocki stated that when they built this building, they didn't put the wall up because they said there was a gas line there; now he has a problem sleeping since the semis are in and out of that area all night long. Mr. Zachocki stated that he called both the Perry Police and Massillon Police and gave a brief explanation.

Trustee Chessler inquired of Law Director Hall if this land was formerly in Perry Township; Law Director Hall relayed that this land was annexed into the City of Massillon. Trustee Chessler inquired if at the time this land was in Perry Township, did the Board consider Sterlite's request for the zone change that



was necessary. Law Director Hall indicated that was correct and added that he could check with the Massillon City Law Director and City Service Director to look into this matter. Trustee Haines asked Mr. Zachocki to leave his contact information after the meeting.

Joe Maio, 1036 Norwich Ave. NW, Massillon – Mr. Maio indicated that he was here for a noise issue due to their garbage pickup. Mr. Maio stated that their garbage pickup seems to have a habit of starting at 5 o'clock in the morning and they make a great deal of noise. Mr. Maio stated that he thinks there should be an ordinance that says you cannot start picking up garbage until 6 am. Mr. Maio stated that this is a disturbance of the peace and added that he wanted to point out that he feels these trucks exceed the limits of our roads; feels that we should have a little more control over the people who come in and pick up the garbage. Mr. Maio also gave some details regarding the garbage company damaging a basketball hoop, but when he reached out to them, they indicated that they did not feel responsible. Trustee DeChiara inquired of Mr. Maio what garbage company he was referring to Mr. Maio stated it was Kimble.

Trustee Haines stated that he would make some phone calls in regard to this matter, but indicated that unfortunately regarding the basketball hoop, didn't think he could win that battle and gave a brief explanation in that regard.

Timothy Blythe, 2956 Bridgeton St. NW, Massillon – Mr. Blythe inquired if there was a weight limit on the township roads. Law Director Hall explained that typically the township imposes seasonal weight limits that run from November through April.

Mr. Blythe stated that in regard to the comments made about the trucks that are driving on Kemary, these are the same trucks that are coming down this road. (Mr. Maio's); Kemary has all of the trucks driving (this route). Trustee Haines relayed that these were also semi trucks.

Mr. Blythe also relayed an inquiry about Trustee Haines' comment regarding after the three years, we would get back to the six to seven miles paving schedule; Mr. Blythe stated that when that levy was passed, it was passed on the idea that we would be able to pave ten (10) miles a year because we would be able to replace the roads every fifteen (15) years. Mr. Blythe stated that he knows everybody is going to say that costs have gone up, but in the last two years, costs have not gone up 40%; if we're going to be doing six to seven miles of roads, we're never going to get there; his question is: what has gotten more expensive; if we're only able to pave six to seven miles of road now and we were going to be able to do ten (10) miles of road two years ago and cost has gone up 3 ½ %, where's the rest of the money.

Law Director Hall stated labor and materials; Mr. Blythe inquired what has labor gone up. Mr. Hall stated that when we put out the bid, and as you know, it is a public bidding process, the bids are a combination of labor and materials and they've been coming in that much higher than projected. Mr. Blythe inquired what does it cost to do a road now; are you saying it's costing \$145,000 to do a mile of road.

Assistant Road Superintendent Young indicated that it costs approximately \$80,000 to do a mile of road. Mr. Blythe verified that it has gone up 3-4%.

Trustee Haines stated that he would go back and try to pull some things out of there, but he indicated that it was said that in an ideal situation with 146 miles of road, our goal was to be able to do all the roads within the Township in a 15 year period which would equal ten miles of road. Trustee Haines stated that the levy was not passed exactly to that dollar. Mr. Blythe stated: sure it was. Trustee Haines stated that he didn't have all the numbers in front of him, but would be happy to sit down.

Trustee Chessler stated that it is a good question. Mr. Blythe stated that we did pass that levy and the dollars did not change in that levy and inquired of Fiscal Officer Schlegel if they did. Mr. Schlegel stated no. Trustee Chessler stated that we can be constructed to try and answer the question of where the money went, but added that we have committed to some substantial sums to some other projects where we came up with matching funds. Trustee Chessler stated that the paving money is generated from a levy that we have always used just for paving so we should be able to find out what has gone in and what is going out.

Mr. Blythe stated that we have had a couple of mild years that we haven't had to use the money on the salt and gave more explanation in regard to this matter.

**Announcements:**

~The Perry Rotary Patriots Parade (11:00 am) immediately followed by Patriots in the Park—Community Events (noon to 4:00 pm) in conjunction with Operations Flags of Freedom—Memorial Day Weekend Event details at [www.perrytwp.com](http://www.perrytwp.com)

~Perry Township Fire Department—HERO 5K Run-Walk on Memorial Day – Monday, May 29, 2017 – starts at 8:30 am at Perry High School [www.runsignup.com](http://www.runsignup.com)

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:47 pm; Seconded by Trustee Chessler.

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

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Craig Chessler, President

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Joe Schlegel, Fiscal Officer