

Perry Township Board of Trustees

Regular Meeting

June 6, 2017 7:00 pm

Call to Order/ Pledge of Allegiance:

Excused absence: Trustee DeChiara

Additions/Deletions to Agenda:

Public Hearings/Invited Guests:

Consider Zone Change Case #: PE 02-17

May 9, 2017 Stark County Regional Planning Recommended Approval of Proposed Zone Change

May 18, 2017 Zone Commission Recommended Denial of Proposed Zone Change

Trustee Chessler stated that we have previously announced and advertised that the Board would consider a zoning case tonight that has been denominated as Case #: PE 02-17. Trustee Chessler stated that he would note that per the Agenda, an excused absence this evening is Trustee DeChiara. Trustee Chessler stated that Trustee DeChiara has been excused this evening due to a death in his family. Trustee Chessler stated that because of that, the Board recognizes that the zoning matter is a rather important and consequential matter; we have had our lawyer discuss this with the legal representative for the applicant for the zone change and agreed that we will not make a decision tonight, but will go through the process as announced to recognize that this Case #: PE 02-17 has been scheduled for hearing tonight. Trustee Chessler verified of Law Director Hall if he would provide, for our minutes that we are making and for the record, the conversation with counsel with regard to an agreement to postpone the hearing and the decision tonight.

Law Director Hall stated that under the Ohio Revised Code 519.12, the Board must convene with a hearing within a set period of time following the decision by the Zoning Commission and further indicated that today was the deadline for that to occur. Mr. Hall stated that he received an email from Attorney John Rambacher, representation for the applicant. Mr. Hall stated that upon acknowledgment that the full Board could not be present, Mr. Rambacher requested that this evening's meeting be commenced but then continued for the formal public hearing at a time when all three Board members could be present. Mr. Hall added that this acknowledgement under statute requires a majority vote so the applicant's preference would be to have all three Trustees present. Mr. Hall also indicated that this email can be entered into as part of the record. Based upon this, Mr. Hall stated that he represented on behalf of the Board that in order to comply with the statutory requirements, the Board will convene; they can take no testimony but continue to a later date to be determined. Mr. Hall stated that he will ask the Board to take inaction.

Trustee Chessler stated that he will also make note that the representative from the applicant entity, Deville Properties is here, Mr. Deville. Trustee Chessler verified of Mr. Deville that he has heard what has been stated tonight and inquired if he was in agreement that the Board could postpone the taking of testimony in the decision making process until the full Board could be present. Mr. Deville confirmed yes.

Trustee Chessler stated with that will acknowledge the Board again has announced and stated that we will open the hearing for Case #: PE 02-17 and makes a motion that this matter be tabled for further consideration; that to include the testimony from the public, the discussion among the Board in the decision that the Board will be making until our next regular meeting of June 20, 2017 at 7 pm; Seconded by Trustee Haines.

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

Trustee Chessler gave a brief summary of explanation regarding the proposed zone change and indicated that he wanted to take this opportunity to make everybody aware of the process that takes place and inquired if there were any questions about this process.

A question was directed to Trustee Chessler as to the next scheduled meeting. Trustee Chessler relayed that it would be two weeks from tonight, June 20, 2017.

Additional comments were made by residents in regard to this matter; Mr. Roger Deville stated that he would like to offer an opportunity to meet with many of the residents regarding this proposed zone change at a future time and day to answer any questions. Mr. Deville further added that he wanted the residents to feel comfortable with the information about this newly proposed development.

Trustee Chessler stated that the Board would encourage more discussion to take place and again noted that this matter would be included on the Agenda at the next regular meeting of June 20, 2017 at 7 pm.

Communications:

Public Speaks on items up for Board Approval: None.

Township Business requiring Board Action: None.

Unfinished Business:

Consider Authorizing the Fire Department to Make an Offer of Employment to a Full-Time Candidate from the Eligibility List

Trustee Chessler stated that the Board previously had a request from the Fire Chief for the Board to grant authority to make an offer for employment to a full time person; at the time, one of the Trustees had requested a list of the candidates being considered. Trustee Chessler stated that the Fire Chief has provided a written itemization of the information that was requested.

Trustee Chessler stated that all three trustees have received this and have anticipated moving on this tonight and makes a motion that based on the foregoing, we authorize the Fire Chief to make an offer of employment for filling a full-time position from the candidates that are eligible on the list; Seconded by Trustee Haines. Trustee Chessler inquired of Chief Martin if this was satisfactory. Chief Martin stated yes.

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

New Business:

Trustee Chessler made a motion to approve bills in the amount of \$92,072.98 for the week ending May 23, 2017 and bills and payroll in the amount of \$727,280.03 for the week ending May 30, 2017 and bills in the amount of \$113,099.58 for week ending June 6, 2017 a combined total of \$932,452.59; Seconded by Trustee Haines.

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

Fiscal Officer:

Consider Accepting the Minutes of 03/21/17 and 05/02/17

Trustee Chessler stated that the Board has previously received a copy of the minutes from the meetings of March 21, 2017 and May 2, 2017 and makes a motion to approve the meetings as submitted; Seconded by Trustee Haines.

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

Administration:

Fire Department:

Consider Accepting Change Orders to Station 3 Addition

Trustee Chessler stated that the Board has previously approved Fire Chief Martin to move forward with the repairs at Stations 2 and 3; there is a memo dated June 2, 2017 to the Board; the Chief is apprising the Board of certain change orders that have come about since the construction has begun; they are detailed in a letter from the Pavlis Group dated May 22, 2017. Trustee Chessler stated that Chief Martin has kept the Board well informed along the way about the things that we've found out once the construction has started; the issue with the fill dirt, there were some electrical issues, carpeting and we had set aside an amount of money in anticipation of these. Trustee Chessler relayed that he thinks it was a 10% recommendation; the total amount we're dealing with is 3% so this is below what we had budgeted for and the items are reasonable in cost and makes a motion that the Board approve these and authorize the Chief to take the steps necessary to pay for these changes; Seconded by Trustee Haines.

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

Consider Accepting Resignations from Past Employees Who Did Not Submit Resignations

Trustee Chessler stated that Fire Chief Martin has noted that there are former employees, Jacob Goist and Michael Harmon who were part-time firefighters that resigned from the department but did not submit Letters of Resignation. Kyle Conley and Jacob Lorenz were part time seasonal ground workers who left the organization at the end of their seasonal work period and also did not submit letters of resignation; the Fiscal Office needs the Board to officially accept resignations so that these individuals can be removed from the Township payroll.

Trustee Chessler made a motion that the Board approve a resolution formally separating from Township employment, Jacob Goist and Michael Harmon, Kyle Conley and Jacob Lorenz; Seconded by Trustee Haines.

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

Police Department:

Road and Park Department:

Law Director:

Consider Resolution Prohibiting the Establishment and Operation of Medical Marijuana, Cultivation, Processing and Retail Dispensaries Within Perry Township

Trustee Chessler stated that another matter that has been the product of great public discussion lately is in regard to different local communities being approached by business entities that would like to start marijuana cultivating operations in the wake of House Bill 523. Trustee Chessler indicated that this bill became effective September 8th of last year and it provides for the regulation and legalization of medical marijuana within the state. Trustee Chessler explained that there are several items that remain unsettled in this matter, but added that we are receiving calls from prospective business entities wanting to know the position of the Township at this point and time. Trustee Chessler relayed that some of our neighboring communities are passing legislation to welcome this and some of them have outright prohibited this matter. Trustee Chessler stated that at our request, and relayed that credit goes to Trustee Haines for bringing this matter to the forefront, we have asked for a resolution on behalf of the Township that would serve to prohibit the establishment and operation of a medical marijuana cultivation, processing and retail dispensary within Perry Township in Stark County, Ohio.

Trustee Chessler made a motion for further discussion that the Board adopt that resolution; Seconded by Trustee Haines.

Trustee Chessler inquired of Trustee Haines if he had any questions. Trustee Haines stated no and added that there are too many unanswered questions in the law right now that would allow that at this point. Trustee Chessler stated that he felt that at the appropriate time, the Board may conduct public hearings to get the attitudes and the opinions of the residents from both a residential standpoint and from a business development standpoint because there are issues on both sides of that.

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

Zoning:

Consider Waiver for Perry Local Schools New Scoreboard at the Baseball Fields

Trustee Chessler indicated that the Board has received a request dated May 30, 2017 from the Perry Local Schools Business Operations Director Darryl Woolf for a sign permit fee waiver for the baseball and softball scoreboards. Trustee Chessler stated that we do have precedent of a resolution authorizing that and makes a motion that the Board approve that waiver; Seconded by Trustee Haines.

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

Consider Supporting Documents for Demolition Grant

Trustee Chessler stated that this next item on the Agenda is a proposed funding agreement between Perry Township and the Stark County Land Reutilization Corporation. Trustee Chessler relayed that this is a demolition grant and asked Zoning Inspector Cugini if he would please outline the terms regarding this matter.

Zoning Inspector Cugini stated that the terms of this grant would include being a 50/50 matching funds grant program through Stark County Land Bank where they will grant dollars to townships and municipalities to rid communities of abandoned and blighted properties. Mr. Cugini relayed that we have been lucky enough to receive this grant to tear down 3006 Bailey Avenue NW which is the fire damage property that we have been talking about at the last several meetings. Zoning Inspector Cugini stated that the gist of the grant is 50% of the hard costs of demolition and added that there are some costs involved that pertain to asbestos removal. Mr. Cugini explained that we may not recoup the full 50% of the \$8,800.00 that we are paying the contractor, but indicated that we will get most of that back.

Trustee Haines inquired if the property owner would still own the land once the demolition is completed. Mr. Cugini stated yes. Trustee Haines also inquired if the property owner's taxes would be assessed for the Township's amount or both amounts. Mr. Cugini stated that the entire amount would be assessed as tax.

Trustee Chessler made a motion that the Board adopt and approve the funding agreement between Perry Township and Stark County Land Reutilization Corporation which acknowledges a grant of \$8,800 and requires a matching same amount; Seconded by Trustee Haines.

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

Problem Properties – None.

Executive Session(s):

Department Matters Not Requiring Board Action:

Administration: None.

Fire Department: None.

Police Department:

April Monthly Activity Reports

Road Department: None.

Parks/Recycling: None.

Zoning: None.

Law Director: None.

Public Speaks-Open Forum: None.

Announcements:

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:29 pm; Seconded by Trustee Chessler.

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

Craig Chessler, President

Joe Schlegel, Fiscal Officer