

**Perry Township Board of Trustees  
Executive Sessions 6:00 pm  
Regular Meeting 7:00 pm  
November 7, 2017**

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

Trustee Chessler welcomed everyone to this evening's Perry Township Board of Trustees meeting. Trustee Chessler stated that he would like to welcome Mr. Bob Bernhardt of the Stark County Veterans Services Commission to lead us in the Pledge of Allegiance this evening. Trustee Chessler indicated that Mr. Bernhardt comes to us with a Bachelor of Arts degree in law enforcement administration from Kent State and gave a brief summary of Mr. Bernhardt's training background. On behalf of the Board, Trustee Chessler presented Mr. Bernhardt with a flag/display case as a token of appreciation and thanked him for his service.

Mr. Bernhardt thanked the Board and gave some brief words about his experience in the Vietnam war turmoil. On behalf of the Board, Administrator Fetzer also extended a sincere thanks to Mr. Bernhardt and the Veterans Services for the generous donation of hand flags that were displayed today in and around the front of the Administration building in honor of the upcoming Veteran's Day observance.

**Excused absence:**

**Additions/Deletions to Agenda:**

**Public Hearings/Invited Guests:**

**Communications:**

**Public Speaks on items up for Board Approval:**

**Township Business Requiring Board Action:**

**Unfinished Business:**

**New Business:**

Trustee Chessler made a motion to approve bills in the amount of \$26,163.81 for the week ending 10/24/17 and bills and payroll in the amount of \$372,429.56 for the week ending 10/31/17 and approval of bills only in the amount of \$16,138.26 for the week ending 11/07/17 for a combined total of \$414,731.63; Seconded by Trustee DeChiara.

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

**Fiscal Officer:**

**Consider Approval of Amended Certificate 09 Police Department \$83,200.00**

Trustee Chessler stated that as we get toward the end of the year, it is not uncommon for the Fiscal Officer to ask the Board to consider the approval of a certificate for the 09 Police Department in the amount of \$83,200.00.

Fiscal Officer indicated that this is extra money that the Police Department received over and above what was anticipated and indicated that the Board would need to approve this in order for us to spend this money this year.

Trustee Chessler stated that based on the report of the Fiscal Officer the Board amend the certificate, specifically the 09 Police Account, to add \$83,200.00; Seconded by Trustee Haines.

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

**Administration:**

**Fire Department:**

**Consider Installation of Door Access Control Systems at Stations 1, 2 and 3**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the Fire Department to enter into a contract with Pro Tech Security for the installation of door access control security systems at Stations 1, 2 and 3. Cost of installation not to exceed \$13,723.93.

Chief Martin indicated that the department has obtained quotes for the installation of a swipe card door control access system; this system will allow the department to track who gains access to any building and will allow the de-activation of the card of any member leaving the organization.

Trustee DeChiara relayed that previous information was also obtained from Pro Tech for the Administration building regarding a security card system.

Trustee Chessler indicated that Chief Martin had provided the Board with a summary of the different quotes of providers that were solicited; Pro Tech Security was the least expensive. Chief Martin relayed that Pro Tech was also the company that does Perry Local Schools.

Trustee Chessler made a motion that based on the presentation that the Board approve and authorize the purchase of the door access control system from Pro Tech Security at the quoted price of \$13,723.93; Seconded by Trustee Haines.

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

**Consider Accepting \$4,200.00 Grant from Georgia-Pacific Bucket Brigade Program**

The Fire Department is requesting that the Board of Trustees accept a grant in the amount of \$4,200.00 from the Georgia-Pacific Bucket Brigade program.

The Georgia-Pacific Corporation started the Bucket Brigade Program several years ago in an effort to help the American fires service; Perry Township Fire Department was fortunate to receive this grant to purchase twenty (20) new firefighting helmets for the part-time members.

Trustee Chessler stated that the Board will happily accept the Bucket Brigade grant in the amount of \$4,200.00 from the Georgia-Pacific Corporation and authorize the Fire Chief to take the steps necessary to secure this grant; Seconded by Trustee DeChiara.

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

### **Police Department:**

#### **Consider LOGIC Agreement**

Police Chief Pomesky relayed that the Police Department is requesting the Board of Trustees' approval regarding the Local Organized Governments in Cooperation (LOGIC) agreement for dispatching services through the Red Center. Chief Pomesky indicated that this is a one (1) year contract for dispatching services starting January 1, 2018 through December 31, 2018. The total cost for this contract is \$356,547.00. Trustee Chessler verified Law Director Hall's approval of this agreement. Mr. Hall confirmed his review of this Agreement and its sufficiency in form.

Trustee Chessler made a motion that based on the Law Director's review and recommendation and the Police Chief's recommendation, that we renew our agreement with the Local Organized Governments in Cooperation (LOGIC) for another one-year period on the terms outlined in that Agreement; Seconded by Trustee Haines.

Trustee Chessler verified of Law Director Hall that this is a one (1) year Agreement. Law Director Hall stated that was correct.

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

#### **Consider Purchase of MARCS Radios**

Trustee Chessler indicated that this next item is in follow to several discussions the Board has had with regard to safety force communications and our directive to the Police Chief to proceed with gathering information and makes a motion to the Board for the Police Department purchase of the radios necessary to migrate to the MARCS station. Trustee Chessler stated that we have a quoted price from Motorola Solutions for our department to do the next generation system required. Trustee Chessler asked Chief Pomesky if he would please state the particulars regarding this matter.

Chief Pomesky stated that as the Board was aware, the current countywide system will be obsolete within the next year and the concern of that is that during a mutual aid situation, we will not have contact with other agencies by radio if we don't make a move at this point. Chief Pomesky stated that we have worked with Staley Technologies to produce a plan to migrate to that direction and will recommend to the Board the purchase of nineteen (19) APX 6500 Mobile Radios at a cost of \$60,099.60; twenty-five (25) APX 6000 Portable Radios at a cost of \$86,815.55; and seventeen (17) Pyramid in-car repeaters at a cost of \$32,799.00. The total purchase price is \$179,714.15 for the department. Chief Pomesky stated that right now, we can receive a benefit from the county of trading in one of the current countywide radios to receive a \$1,000.00 rebate towards this purchase.

Chief Pomesky relayed that things are lining up at a perfect point for the department to become part of that radio system and we will be able to communicate on a countywide basis; if we do nothing, we will

be on a radio system on an island of our own; should we have a large-scale incident, we can integrate with other agencies.

Law Director Hall indicated that he would just like to add for the minutes and record and auditing purposes and working through the public bidding process that the county has so that we do not have to separately spec a bid.

Trustee Chessler made a motion that based upon Chief Pomesky's presented information, that the Board authorize the expenditure of \$179,714.15 for the purchase of the MARCS compliant radios as quoted from Motorola Solutions and that cost to be made from the General Fund.

Trustee Haines stated that before we second this motion, wanted to confirm that the Board was comfortable with the overhead for the police, fire and road departments regarding the upgraded radios. More discussion took place regarding this expenditure.

Trustee Haines seconded Trustee Chessler's motion.

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

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

#### **Consider Approving JD Striping Bill**

Trustee Chessler stated that the Board has a bid for striping and a recommendation of the Road Superintendent and review of the Law Director to award the bid to J. D. Striping for payment in the amount of \$23,232.10. Trustee Chessler indicated that we have received an invoice for that amount which details the costs that comprise that amount and makes a motion to approve payment in the amount of \$23,232.10 to J. D. Striping for the services and materials rendered; Seconded by Trustee Haines.

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

#### **Consider Hiring Two (2) Casual Part-Time Employees for Road Snow and Ice Pool**

Trustee Chessler stated that this next item is in reference to the memo of November 1, 2017 to the Board from Road Superintendent Masalko to continue replenishing the pool of casual part-time employees for Snow and Ice. Trustee Chessler relayed that it is Road Superintendent Masalko's recommendation to hire two (2) casual part-time employees that were interviewed, Rickey Perone and Michael Bragg to be paid \$15.00 an hour after a successful pre-employment screening and drug and alcohol testing and background license check; the Board has received copies of the applications that were submitted and reviewed.

Road Superintendent Masalko stated that he did have the driver records pulled and added his recommendation for hiring.

Trustee Chessler made a motion based on the information that we have before us, and upon the recommendation of the Road Department, that the Board hire, as casual part-time employees for the Road Department, Rickey Perone and Michael Bragg effective upon passage of this Resolution to start as soon as the pre-employment requirements have been satisfactorily completed and to be scheduled for

work by the Road Superintendent and to be compensated at \$15.00 per hour; subject to the hour limitations that we impose on all part-time employees; Seconded by Trustee Haines.

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

### **Consider Pay Request for Hammontree**

Trustee Chessler stated that this next item on the Agenda is a pay request from Hammontree & Associates; the Board has received a November 1, 2017 memo from the Road Superintendent that includes the request from Hammontree & Associates with regard to the 4<sup>th</sup> St./Pleasant Hills Drainage Project; the total request is \$5,280.20, the Township portion after the OPWC is paid, will be \$1,056.04; there is an OPWC disbursement request form that delineates those costs. Road Superintendent Masalko indicated that this is the first pay request for this project.

Trustee Chessler stated that he will ask the Board to pass a Resolution authorizing the Road Superintendent and the Fiscal Officer to complete the forms necessary and make payment as requested to Hammontree & Associates for the amount of \$1,056.04; Seconded by Trustee Haines.

Trustee Chessler stated that his motion is intended not only to make the payment, but the form requires the signatures of the Road Superintendent and the Fiscal Officer.

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

### **Consider Discussion of the OPWC Scoring 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Project**

Trustee Chessler stated that he had a conversation with Road Superintendent Masalko last week regarding communications received from OPWC regarding their support of our second phase of the project on 4<sup>th</sup> Street. Trustee Chessler relayed that as they do every year, the projects are evaluated and given their merit scores, accumulative scores that are ranked with other opposed projects and that is how they make their decisions to provide funding. Trustee Chessler stated that he had asked Road Superintendent Masalko if he would, with assistance from Karl Oprisch, Hammontree & Associates engineer to review how we have been scored thus far and see if that is deemed by us to be a satisfactory score based on what we want our project to be; also, if there is any reason or basis to go back to the score entity at OPWC to request a modification or enhancement of our score. Trustee Chessler inquired of Mr. Masalko if there was anything else that we needed to do at this time. Road Superintendent Masalko stated that he would refer to Mr. Oprisch to elaborate on our scoring.

Mr. Oprisch gave a brief explanation in regard to the scoring calculation that was given to the Township by OPWC; Trustee Chessler inquired if there was any possibility that we could go back and ask for a re-evaluation to gain a better score for funding this 4<sup>th</sup> Street project. Mr. Oprisch indicated that it could be a possibility; Road Superintendent Masalko relayed that OPWC's next meeting was scheduled for November 16<sup>th</sup> and indicated that he would make a request to them regarding the Township's status and any cut-off points in relation to that.

### **Consider Discussion and Approval of Radio Quotes**

Trustee Chessler referred to Road Superintendent Masalko's November 1, 2017 memo regarding the radio quotes from Staley Technologies outlining the two options and their pricing information.

Option #1: 4 truck mounted APX 4500/02 control head radios - \$7,431.98  
4 APX 4000 portable hand-held radios - 7,556.00  
\$14,987.98

Option #2: 15 APX 4500/02 control head radios - \$27,869.94  
4 APX 4000 portable hand-held radios - 7,556.00  
\$35,425.94

Road Superintendent Masalko indicated that the Road Department would like to request Option #2, and added that the additional amount of \$1,035.65 would be the cost to adapt the tower to the MARCS system.

Trustee Chessler stated for purposes of further discussion made a motion that based on the request of the Road Department, the Board authorize the purchase of radios under the quote of Option #2 in the November memo; that cost not to exceed \$35,425.94 for the fifteen (15) radios and four (4) hand-held units and also further authorize the payment in the amount of \$1,035.65 for the quote from Staley Technologies to adapt our antennas to be compatible with the radios; Seconded by Trustee Haines.

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

**Law Director:**

Trustee Chessler made a motion that the Board add under the Law Director consideration of two resolutions with regard to Township employee Dan Galica who is assigned currently to the Road Department for further discussion and action to be taken as a result of our Executive Session; Seconded by Trustee Haines.

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

Trustee Chessler stated that as he referred to previously, the Board met in Special Session at the request of the Road Superintendent and Assistant Road Superintendent to review with the Board the current status of Township employee, Dan Galica. Trustee Chessler stated that the Board also spoke with the Law Director who referred to Mr. Galica's current status and recent absences from work and his request for consideration for the Family Medical Leave Act. Trustee Chessler asked Law Director Hall to please outline his position and recommendation on both resolutions and the facts underlying those.

Law Director Hall stated that based on Mr. Galica's absence from work without a corporate medical excuse from October 2<sup>nd</sup> through November 7<sup>th</sup>, 2017, a formal resolution has been prepared for the Board's consideration and at the recommendation of the Road Superintendent. Mr. Hall stated that as Law Director, recommendation is being made that Mr. Galica should have his FMLA request denied because he has not had certification of a serious medical condition that prevents him from performing his job duties and that he should be terminated for violation of Article 19, the union sick leave policy; the termination should be effective in that time.

Trustee Chessler stated that he believes Law Director Hall's recommendation to deny would also include sending formal notification of the Board action. Mr. Hall stated that was correct and relayed that the Board would identify Mr. Galica's termination and the Administrator as our formal aid coordinator

would notify Mr. Galica of his denial of the FMLA and be given the appropriate notices as required by the FMLA.

Trustee Chessler stated that he has in his hands the prepared resolution with regard to Article 19 and notification and inquired if there was a separate resolution for the FMLA. Law Director Hall stated that it was all in one resolution.

Trustee Chessler stated that based on the gravity of the action the Board will be taking, he would read verbatim specific portions of this resolution:

WHEREAS, Perry Township Road Department employee Dan Galica has been absent from work during the period from October 2 through November 7, 2017, and has not provided a medical statement certifying his necessity away from work due to a serious medical condition; and

WHEREAS, Perry Township Road Department employee Dan Galica requested Family Medical Leave which is denied for lack of certification of a serious medical condition that prevents him from performing his job duties; and

WHEREAS, Dan Galica, through his healthcare provider, certified that he did not seek treatment for any alleged serious medical condition until October 15, 2017; and

WHEREAS, Dan Galica was absent from work without seeking treatment for an alleged serious medical certification from October 2, 2017 through and including October 15, 2017; and

WHEREAS, the Perry Township Road Superintendent recommends that Dan Galica be terminated effective immediately for abusive sick leave, in violation of the current collective bargaining agreement, Article 19, Sick Leave, for which Mr. Galica has been consistently and repeatedly counseled, warned and suspended for violating this Department Sick Leave policy; and, this behavior follows a pattern of discipline for violating this same policy in October 2015 and October 2016; and

NOW, THEREFORE BE IT RESOLVED, and Trustee Chessler stated that he would propose this in the resolution that the Perry Township Board of Trustees, Stark County, Ohio upon the recommendation of the Perry Township Road Superintendent and under the advice of the Perry Township Law Director and under the authority of *Darst v. Interstate Brand Corp.* (04-2460) 7<sup>th</sup> Circuit, 2008; that effective November 7, 2017 at 12:00 am, Dan Galica is terminated as an employee of the Perry Township Board of Trustees and the Perry Township Road Department.

BE IT FURTHER RESOLVED, that notice of this termination shall be delivered to Mr. Galica by the Perry Township Road Superintendent.

BE IT FURTHER RESOLVED, that denial of the FMLA request shall be delivered to Mr. Galica by the Perry Township Administrator.

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code; Seconded by Trustee Haines.

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

**Zoning:**

**Consider Approval of the Stark County Land Reutilization Corporation Side Lot Program Application to Foreclose Upon and Convey Tax Delinquent Vacant Land to the Adjacent Property Owner on Bailey Street NW**

Zoning Inspector Cugini stated that as the Board is aware, the Zoning Department assisted in the tear-down process of a house at 3006 Bailey Rd. NW; therefore, leaving a vacant lot. Mr. Cugini stated that the Stark County Land Reutilization Corporation handles a Side Lot Program through the Stark County Land Bank and this side lot program is to acquire and transfer delinquent vacant lots to fellow continuous homeowners. Mr. Cugini indicated that the adjacent homeowners to the above-stated property, John and Kathy Steiner, have applied for the Land Bank to foreclose upon this lot and for them to obtain it. Mr. Cugini relayed that before the Stark County Land Reutilization will do that, they ask for the Township's approval; we are asking for the Board's consideration for the approval of this application to begin the foreclosure process and for the Stark County Land Bank to convey this lot to the adjacent property owners.

Trustee Haines inquired if the neighbor on the other side of this property would have any right to this. Zoning Inspector Cugini indicated that they do and they would, but they have never applied.

Trustee Chessler verified that this would have the ultimate effect of bringing a lot that is not generating tax payments back on the tax roles. Mr. Cugini stated that was correct and indicated that because of an absentee landowner, this will eliminate the Township's expense for the mowing services of this property.

Trustee DeChiara inquired of Law Director Hall if the Township had any legal recourse to go after the current property owner. Mr. Hall confirmed that we do, but added that since the current homeowner is out of State, in Utah, the likelihood of satisfying a judgment is not great. Mr. Hall also indicated that the negative of this proposal is that the Board will lose its lien, but the positive is that it will go back on the tax rolls.

Trustee Chessler inquired of Zoning Inspector Cugini what the Board was being asked to verify. Mr. Cugini stated that the Board is being asked to approve the Stark County Reutilization Corporation to go forward with the foreclosure and to convey this property to the adjacent property owners. Mr. Cugini also indicated that they have asked for a sworn affidavit that detects that the land is tax delinquent, that there is no permanent structure and that it is not agriculture.

Trustee Chessler stated that based on that information, makes a motion that the Board approve and authorize the Zoning Inspector to take the necessary steps to convey the Board's position to the Stark County Land Reutilization Corporation that we approved the application as submitted by John and Kathy Steiner for the address of 3006 Bailey Rd., Parcel #: 4306191 and agree that the probate entity can go forward with the foreclosure action to convey title to the adjacent property owner; Seconded by Trustee Haines.

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

**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.

**Public Speaks-Open Forum:** None.

Trustee Chessler indicated that anyone wishing to address the Board, we ask that you come forward to the podium, identify yourself, please give us your address and you will have the floor.

Tonya Jefferson, 804 Pheasant Grove Avenue NW – Ms. Jefferson stated that she has lived on Pheasant Grove off of Crownpoint for 26 years and indicated that their road hasn't been paved for 23 years. Ms. Jefferson stated that per the explanation from the Road Department she knows that the roads are patched and they try to make that sufficient until they are able to actually pave the road. Ms. Jefferson gave a brief explanation regarding the debris from the road patching that washes down into her driveway; the Road Department did come out to sweep this debris, but she has several boxes of this debris that she has swept up many times and she doesn't know what to do with it. Ms. Jefferson also relayed that she knows that the Township doesn't have the funds to pave every road, but added that she doesn't have the funds to hire somebody to clean the road debris or someone else's leaves that fall into her yard.

Trustee Chessler stated that he would try and address several points that Ms. Jefferson had raised and confirmed that there is an insufficient amount of road funds to pave every road as quickly as we would like. Trustee Chessler indicated that each year the Road Superintendent tries to identify what we term the worst first and make those funds allocated for that year to go as far as we can.

Trustee Haines also gave more explanation regarding the patch process in specific situations wherein the overhang from trees may sometimes never really allow the patching process to completely dry such as near Ms. Jefferson's road and driveway.

Trustee Haines inquired of Road Superintendent Masalko if the Road Department could go down Pheasant Grove with the road sweeper to collect the debris from continuing to spill onto Ms. Jefferson's property; before going into winter. Road Superintendent Masalko confirmed that request.

Trustee DeChiara inquired of Road Superintendent Masalko if the Road Department would also be able to pick up the boxes of debris that Ms. Jefferson has swept up. Road Superintendent Masalko confirmed that request.

Ms. Jefferson gave more explanation as to some of her neighbors not keeping up with removing their leaves and they blow onto her property.

Trustee Haines relayed to Ms. Jefferson that it is the homeowners' responsibility to maintain their trees. Law Director also gave more explanation wherein the Road Department would determine if there would be a threat of a tree limb that falls onto the road surface, then they have the authority and jurisdiction to trim them, but not as far as trimming them for ascetics or leaf maintenance. Law Director Hall verified that he would forward Ms. Jefferson more detailed information regarding tree nuisance.

**Announcements:**

~Fall Leaf Drop Off: October 14<sup>th</sup> through November 19<sup>th</sup>, 2017. Location site: Perry Road Department, 1500 Jackson Ave. SW, Massillon – Weekdays, Dusk until Dawn. Saturday and Sunday, 8:00 am to 4:00 pm. Leaves only please. Closed Veteran's Day, November 10, 2017. Visit [www.perrytwp.com](http://www.perrytwp.com) for details.

~The Township Administration office will be closed on Friday, November 10<sup>th</sup> in recognition of Veteran's Day.

**Adjournment:**

With nothing further to come before the Board, Trustee Chessler made a motion to adjourn the meeting at 8:10 pm; Seconded by Trustee Haines.

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