

Perry Township Board of Trustees

Regular Meeting

November 21, 2017 7:00 pm

Call to Order/ Pledge of Allegiance:

Excused absence:

Additions/Deletions to Agenda:

Public Hearings/Invited Guests:

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 and payroll in the amount of \$202,049.97 for the week ending 11/14/17; Seconded by Trustee Haines.

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

Fiscal Officer:

**Consider Scheduling 2018 Department Head Budget Hearing on December 5, 2017 in 15-minute Intervals**

Trustee Chessler indicated that the Fiscal Officer is preparing the 2018 budget and the Board will be considering those requests from each Department. Trustee Chessler stated that the Board will establish the 2018 Budget Hearing on December 5, 2017 in 15-minute intervals and this will commence at 5:30 pm.

**Consider Approving Meeting Minutes from October 3<sup>rd</sup> and 17<sup>th</sup>**

Trustee Chessler stated that the minutes from the Regular Meeting of October 3, 2017 and the Regular Meeting of October 17, 2017 are with the supporting documents and for purposes of discussion makes a motion that the Board approve those minutes from October 3<sup>rd</sup> and October 17<sup>th</sup>, 2017; Seconded by Trustee Haines.

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

## Administration:

### **Consider Marijuana Legislation**

Trustee Chessler stated that he had asked for this item to be placed back on the Agenda for a secondary discussion and gave a brief summary of explanation regarding the Board's consideration of legislation of medical marijuana in Perry Township. A brief discussion followed; Trustee Chessler stated that the Board would entertain and receive comments on the proposed medical marijuana legislation or resolution of Perry Township at both of our Board meetings in December.

### **Consider Electric Aggregation Resolution**

Trustee Chessler stated that this next item was a matter that was time sensitive and indicated that the Board needed to take action tonight. Trustee Chessler gave explanation regarding the process of determining the details of the electric aggregation program within the Township.

Trustee Chessler stated that based on our presentation from Independent Energy brokers and their recommendation to Perry Township for the upcoming period of contract for our electric aggregation program, makes a motion that the Board adopt a resolution authorizing all actions necessary to support the continuation of the governmental electric aggregation program with opt out provisions pursuant to Section 4928.20 of the Ohio Revised Code and directing the Township Administrator and Law Director to prepare and have executed an Electric Supply Agreement with MidAmerican Energy Services LLC; Seconded by Trustee DeChiara.

Trustee Chessler stated that he wanted to elaborate on that one point; as we are in our gas opt-out program, everyone who meets the eligibility requirements were included in the pool, but they have the ability to opt out if they wish to go in the apples-to-apples market and get their own rate. Trustee Chessler indicated they can terminate without an early termination fee and part of what Mr. Burns negotiated on our behalf was the supports services for MidAmerican to notify and do all of the mailings and make the document preparation that will inform and educate our residents as to their rights and options and abilities; we will address that by the informational newsletter that they will prepare and will have on their website so if calls are received about this, it will be a good resource. Trustee DeChiara relayed that he felt it was important that people know they can opt out.

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

### **Consider Mr. Fowler's request for No Parking Signs at 11<sup>th</sup> Street NW and Miles Avenue**

Trustee Chessler stated that this next item on the Agenda came as a result of a resident call from Mr. David Fowler; he described an area near 11<sup>th</sup> Street where he lives and a cut-through street where there is a parking situation that he believes is causing a traffic hazard or least some difficulty for the residents in getting by and I asked him to email our office to provide some description of this matter. Trustee Chessler stated that our normal protocol with these matters is asking this to be brought to the Board's attention so we could defer to the Police, Road and Fire Departments to weigh in and determine whether the Board should or should not restrict parking in that area.

## **Department of Commerce Division of Liquor Control Notice of Renewal of Liquor Permits**

Trustee Chessler indicated that the Board of Trustees, as the legislative authority, is notified annually that all permits to sell alcoholic beverages in the political subdivision expire February 1, 2018; in order to maintain permit privileges, every permit holder must file a renewal application; this is an announcement of that fact. Trustee Chessler indicated that this would be an opportunity to address this Board or object to the renewal of a permit; it must be addressed to the Division of Liquor Control, Attention: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than January 2, 2018. The permits expire on February 1, 2018. Trustee Chessler stated that if a resident would like to relay that information to the Township, we will pass that information along as well.

### **Fire Department:**

#### **Consider Non-Renewal of C & C Billing Contract**

#### **Consider Accepting Life Force Management Billing Contract**

Trustee Chessler indicated that Chief Martin provided a memo to the Board regarding the billing contract that we currently have with C & C Billing. Trustee Chessler relayed that Chief Martin's evaluation and recommendation is that we adopt and enter into an agreement with Life Force Management Billing and asked Chief to please elaborate on this information.

Chief Martin gave a brief explanation regarding the current billing agency contract becoming renewable after the first of the year and his recommendation to not renew but to explore an alternate billing company.

Trustee Chessler verified of Law Director Hall if he had reviewed the current agreement with C & C Billing and also verified that it was his opinion that we can opt out of this agreement early. Mr. Hall confirmed yes and indicated that he had prepared a resolution for the Board to terminate the C & C contract.

Trustee Chessler stated that based on our discussions here tonight made a motion that the Board adopt a written formal resolution that the Perry Township Board of Trustees, upon the recommendation of the Fire Chief and upon review by the Law Director, that we authorize and approve the Law Director to take steps necessary to terminate the current agreement with C & C Billing according to the terms and provisions of the contract that we have with them; Seconded by Trustee DeChiara.

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

Trustee Chessler made a motion that the Board adopt a resolution, based on the recommendation of the Fire Chief and upon review of the Law Director that the Board approve a contract with Life Force Management Billing, 800 Enterprise Parkway, Ravenna, Ohio to evaluate and take all steps necessary and reasonable related to the 2017 emergency medical services employed to audit same and to take the steps necessary to collect all monies due to Perry Township; Seconded by Trustee Haines.

Trustee DeChiara verified of Law Director Hall that this was a one-year contract. Law Director Hall stated that this is technically going to be a two-year contract.

Trustee Chessler stated that this next motion has to evaluate and take steps necessary and reasonable related to 2017 emergency medical service invoices prior for the period of January 2017 through current; Seconded by Trustee Haines.

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

Trustee Chessler made a motion that the Board adopt the resolution to authorize and approve a contract with Life Force Management Billing for a period of January 1, 2018 through December 31, 2018; Seconded by Trustee Haines.

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

Trustee Chessler indicated that the intent of these resolutions that will be incorporated into one written resolution is to first opt out of our current contract with C & C to engage Life Force to review and take the steps necessary with 2017 to make sure we get the billing that is coming to us and for January 1, 2018 through the year to adopt a new agreement with Life Force.

**Police Department:**

**Road and Park Department:**

**Consider Hiring Robert Halter III and Gary Little as Casual Part-Time Members of the Snow and Ice Control Pool**

Trustee Chessler indicated that the Board has a November 16, 2017 memo from the Road Superintendent recommending the Road Department to replenish the pool of casual part-time employees for the upcoming winter season; Mr. Masalko recommends to hire casual part-time employee, Robert Halter at a pay rate of \$15.00 per hour condition upon passage of the drug and alcohol testing and background license check; Seconded by Trustee Haines.

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

Trustee Chessler made a motion, based on the Road Department Superintendent's recommendation, to hire casual part-time employee, Gary Little, at the pay rate of \$15.00 per hour, condition upon passage of the drug and alcohol testing and approved background license check effective upon those conditions being met; Seconded by Trustee DeChiara.

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

**Law Director:**

**Zoning:**

**Consider Accepting 2017 Annual Assessments**

Trustee Chessler stated that the Board received the submitted memo dated Thursday, November 16, 2017 from the Zoning Department. Trustee Chessler indicated that Zoning Inspector Cugini is asking the Board to consider approval of the 2017 annual assessments to be certified to the Stark County Auditor and authorizing the Law Director to seek judgment.

Zoning Inspector Cugini indicated that he has submitted supporting documentation for the total of grass cutting assessments and is requesting the Board's approval of these assessments. Mr. Cugini relayed that these will be certified to the Stark County Auditor to be placed on the tax duplicate that will be forwarded by them in February 2018.

Trustee Chessler inquired if there were any comments or questions in regard to this matter. Trustee DeChiara inquired if the Township was able to collect any percentage of these monies. Fiscal Officer Schlegel indicated that we do collect some of these monies over a period of time and added that it is not that much, but it is collected.

Trustee DeChiara referred to the supporting documents before the Board in regard to these assessments and made several inquiries of Zoning Inspector Cugini relating to specific properties.

Zoning Inspector Cugini relayed that he had a recent conversation with Stark County Treasurer, Alex Zumber and asked him if there was any way that the Auditor's office would be able to help Perry Township get the three or four properties that are in assessments each year to the foreclosure process and Mr. Zumber said that they would.

Trustee Chessler stated that based on the information presented by the Zoning Inspector, makes a motion that the Board approve and authorize him to take the steps necessary to certify to the Stark County Auditor the list of assessed properties, that being sixty (60) individual assessments, for grass cutting, property clean-ups, board-ups and demolition for a total assessed amount of \$26,870.00; Seconded by Trustee DeChiara.

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

#### **Consider Authorizing Law Director to Seek Judgment Against the Owner of 3006 Bailey Avenue**

Trustee Chessler asked Zoning Inspector Cugini if he would please give the Board the background information regarding this request.

Zoning Inspector Cugini stated that he is asking for the Board's consideration and approval for Law Director Hall to seek judgment against the owner of 3006 Bailey Avenue. Mr. Cugini stated that the property owner is an absentee owner residing in Utah; the Township funded the demolition on this property and there are also various grass-cutting and board-up assessments in the approximate amount of \$11,000 in regard to this said property. Zoning Inspector Cugini additionally relayed that the Board approved the Stark County Land Bank to foreclose on the conveyed vacant property to the adjacent homeowner. Mr. Cugini relayed that this would wipe out our assessment.

Trustee Haines inquired what the expense would be for the Township to begin this process. Law Director Hall indicated that the court filing fees are approximately \$358.00 and added that he felt confident that we would receive a default judgment in regard to this matter, but relayed that collection is always a big issue. Mr. Hall stated that obtaining a judgment is easy, but satisfying the said judgment is not always easy.

Trustee Chessler indicated that if we certify this, then those costs become a lien on the property and once it is sold, that lien gets wiped off. Mr. Hall stated that was correct and added that we can still

separately pursue a judgment which will be against the property owner, not against the land. Trustee DeChiara stated that he felt that this was worth trying. Trustee Haines stated that he did not have a problem with doing this as well.

Law Director Hall relayed that it is pretty rare that the Board has extended the additional funds to demolish the property; the Board has taken extraordinary steps in this matter and that calls for an extraordinary response.

Trustee Chessler made a motion based on the information received that the Board authorize the Law Director to take the steps necessary to pursue collection which would include the filing of a civil action, obtaining a judgment and reasonable steps at recovering; Seconded by Trustee DeChiara.

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

### **Consider Approval of Two Towing Contractors for Private Property Nuisance Towing**

Trustee Chessler stated that in regard to this next matter under Zoning, we have had conversations with at least one of the businesses in Perry Township that provides towing service and the Zoning inspector had set to the task, with the Law Director's assistance, to develop a program so that we can deal with a commonly recurring problem of removing junk vehicles from properties. Trustee Chessler stated that we have two (2) proposed businesses that have proposed contracts with private nuisance towing and asked Zoning Inspector Cugini to please expand upon that.

Zoning Inspector Cugini stated that the Board gave him the authorization to solicit for bids to create a rotating list for private nuisance property towing. Mr. Cugini stated that four (4) Perry Township towing companies were invited to participate; two (2) declined and two (2) indicated their participation: Ruppel's Towing and Central Ohio Recovery. Zoning Inspector Cugini gave a brief explanation regarding their towing services and indicated that these companies were not necessarily for the lowest bid, but they would be placed on a rotating list and would be contacted as needed.

Zoning Inspector Cugini stated that he is asking the Board to consider authorizing these two (2) towing companies: Dave Ruppel's Towing and Central Ohio Recovery for our rotating towing list. Trustee Chessler inquired if their costs were the same. Mr. Cugini indicated that they were not.

Law Director Hall indicated that in meeting with Mr. Ruppel and Mr. Nicewander, they each have the ability to charge their own charges. Trustee Chessler inquired of Law Director Hall if this would become a matter of concern; Mr. Hall confirmed no and stated that each of these two entities can set their own pricing. Trustee Chessler inquired how often they can revise their fee schedules. Mr. Hall indicated that we would have to review this and renew it on an annual basis; if any requests for changes would be needed, they would have to come to the Board and seek approval.

Trustee Chessler stated that he was grateful for all the time and effort Zoning Inspector Cugini and Law Director Hall have put into this matter and for the participation of Mr. Ruppel and Mr. Nicewander.

Trustee Chessler stated that based on the information that we have will make a motion that the Board enter into agreements with Central Ohio Recovery, Inc. and Ruppel's Towing, on the terms that they

have each provided in their separate agreement for the removal of junk vehicles in Perry Township;  
Seconded by Trustee Haines.

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

**Executive Session(s):**

**Department Matters Not Requiring Board Action:**

**Administration:** None.

**Fire Department:** None.

**Police Department:**

October Stats

**Road Department:** None.

**Parks/Recycling:** None.

**Zoning:** None.

**Law Director:** None.

**Announcements:**

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

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:40 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