

Perry Township Board of Trustees
Hearing/Early Start Time 6:00 pm
Regular Meeting 7:00 pm – December 19, 2017

Trustee Chessler stated that he would call to order the Trustees' meeting tonight and indicated that the Board previously announced and publicized that this meeting would begin at 6:00 pm. Trustee Chessler indicated that all Board members, the Fiscal Officer and Department Heads were all present, with the exception of the Police Chief and Zoning Inspector who were not required to be present.

Trustee Chessler stated that the Board previously contemplated two (2) Executive Sessions and a Grievance Hearing that may or may not be an Executive Session. Trustee Chessler stated that it is his understanding that in the last few days, Law Director Hall has communicated with the union representative and the Grievant and an agreement has been reached. Trustee Chessler asked Law Director Hall to please state the essence of that agreement for the record.

Law Director Hall indicated that there were two (2) documents before the Board; the first being an email to Mr. Pickard, union representative of AFSCME Ohio Counsel 8. Mr. Hall relayed that this email indicated our understanding of the withdrawal and dismissal of the above-stated grievance and the agreement not to pursue arbitration in exchange for the Board withdrawing any objections to and not opposing the Grievant's application for unemployment benefits. Law Director Hall relayed that there will be an independent determination by the Ohio Department of Job and Family Services and the Ohio Bureau of Employment Services, but we will neither oppose nor take efforts to try to deny those benefits as termination for just cause. Additionally, a letter from Ohio Counsel stating that they are withdrawing their grievance without prejudice. Mr. Hall gave a brief explanation regarding this matter.

Trustee Chessler inquired of Law Director Hall if he could follow up with a letter stating our position in advance to Mr. Pickard; if this was conditional in any way on unemployment; once the unemployment is granted, that condition is removed and we would consider this a binding agreement. Mr. Hall confirmed yes.

Law Director Hall stated that his recommendation to the Board is while there is no further action to take, they can withdraw on that so there is nothing more to be done in that regard, no formal resolution needs to be made and he will make the communication as suggested by the Board President.

Trustee DeChiara inquired of Law Director Hall if the grievance stated that the Grievant was improperly terminated; Mr. Hall verified that the grievance stated that the Grievant was improperly terminated without just cause.

Trustee Chessler verified of Law Director Hall that Mr. Pickard was notified that the grievance hearing scheduled for this evening was cancelled and he has acknowledged that. Mr. Hall confirmed yes.

Trustee Chessler stated that the next item for the Board's consideration is an Executive Session to discuss compensation of a public employee under ORC 121.22 (G) (1).

Trustee Chessler stated that the Board has also scheduled and announced an Executive Session which will immediately follow this first Executive Session under ORC 121.22 (G) (3) pending litigation.

Trustee Chessler indicated that the Board will adjourn from the first Executive Session and then re-adjourn for the second Executive Session so that the Fiscal Officer can note in the minutes the time of the adjournment.

Executive Session(s):

Trustee Chessler made a motion that the Board of Trustees and the Fiscal Officer adjourn into Executive Session pursuant to ORC 121.22 (G) (1) to discuss compensation for employees; Seconded by Trustee Haines.

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

The Board adjourned into Executive Session at: 6:07 pm

The Board adjourned from Executive Session at: 6:40 pm

Executive Session(s):

Trustee Chessler made a motion that the Board of Trustees, the Law Director, Fiscal Officer and Fire Chief adjourn into Executive Session pursuant to ORC 121.22 (G) (3) to consider a matter pending litigation; Seconded by Trustee DeChiara.

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

The Board adjourned into Executive Session at: 6:41 pm

The Board adjourned from Executive Session at: 7:00 pm

Call to Order/ Pledge of Allegiance:

Excused absence:

Additions/Deletions to Agenda:

Public Hearings/Invited Guests:

Galica Grievance Hearing 6:00 pm

Executive Session ORC 121.22 (G) (1) Personnel

Public Discussion of Marijuana Legislation

Trustee Chessler stated that he would take public comments on what is known as House Bill 523 which took effect on September 8, 2016; this is a program under the state law where licensed medical marijuana cultivators, processors, dispensaries and testing laboratories can operate within the state.

Trustee Chessler indicated that he had asked for this to be put on the Agenda for at least two of our Regular Meetings to invite the public to comment. Trustee Chessler stated that he had brought with him tonight a copy of the ordinance that the City of Canton has passed and indicated that Akron and

Massillon have also adopted similar ordinances; this is something the Board felt that should be addressed and offer public comment before deciding whether or not we would like to consider this matter within the Township.

Trustee DeChiara inquired if we had advertised this matter in any way or listed on the Township website. Administrator Fetzer indicated that there was a Press Release submitted regarding this matter. Trustee Chessler gave brief explanation regarding the statutory requirement that spells out when public notice needs to be given and added that this is something the Board was doing, but was not required by state law. Trustee Chessler stated that because of the importance and significance of this matter, this was one opportunity for public comment.

Communications:

Donald Wagner Letter of Neighborhood Concerns

Trustee Chessler stated that the Board had received an email on November 14, 2017 from resident Donald Wagner regarding several matters of concern; first, a safety problem wherein people were exceeding the speed limit near the corner of 2nd and Ambrose NW. Additionally, problems in the neighborhood that the police department were aware of regarding two properties on Ambrose NW. Mr. Wagner also made reference to fallen leaves from one of the properties on Ambrose being blown onto his property. Trustee Haines inquired of Police Chief Pomesky if he had spoken to Mr. Wagner. Chief Pomesky indicated that he had reached out to Mr. Wagner via email and gave brief explanation regarding the police department still conducting active extra patrols for the referenced traffic infractions.

Trustee Haines inquired of Chief Pomesky in regard to the referenced neighborly dispute; Chief Pomesky indicated that he had recently left a message with Mr. Wagner, but had not received a phone call back to date. Trustee Chessler verified of Chief Pomesky that he did make direct contact with Mr. Wagner; Chief Pomesky confirmed that was correct.

George Troutman Letter of Stop Sign Request

Trustee Chessler stated that the Board received a letter from resident, George Troutman, dated November 28, 2017 regarding a follow up request for a stop sign near his home on Rowford Ave. SW. Trustee Chessler indicated that Mr. Troutman also enclosed a photo of a recent car accident near his home.

Trustee Haines verified that there was discussion regarding this matter at a previous meeting wherein Mr. Troutman made a request for stop sign placement. Further discussion took place; Chief Pomesky indicated that he would look into the crash statistics; Trustee Chessler stated that he would contact Mr. Troutman and relay if there was anything that could be done regarding the traffic control, or patrolling standpoint, we will do that.

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 and payroll in the amount of \$176,986.99 for the week ending 12/12/17 and bills only in the amount of \$7,308.20 for the week ending 12/19/17 for a combined total of \$184,295.19; Seconded by Trustee DeChiara.

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

Fiscal Officer:

Consider Clearing five (5) Outstanding Checks Over One Year Old in the Amount of \$2,618.12 and one Adjustment in the Amount of \$171.30 and three (3) NSF Checks in the Amount of \$113.85 for a Combined Total of \$2,903.27

Fiscal Officer Schlegel stated that he is requesting the Board's approval to clear five (5) outstanding checks that are over one year old in the amount of \$2,618.12; one (1) adjustment in the amount of \$171.30; and three (3) NSF checks in the total amount of \$113.85 for a combined total of \$2,903.27.

Trustee Chessler made a motion that at the request of the Fiscal Officer, the Board approve to clear the five (5) outstanding checks that he has detailed in his presentation to the Board for a combined total of \$2,903.27; Seconded by Trustee Haines.

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

Consider Accepting the Special Minutes of 11/07/17 and Regular Meeting Minutes of 11/07/17

Trustee Haines made a motion that the Board accept the Special Meeting Minutes of November 7, 2017 and Regular Meeting Minutes of November 7, 2017; Seconded by Trustee Chessler.

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

Administration:

Consider AXA 457 Plan

Trustee Chessler stated that the Board has supporting documents in an email from the Administrator dated December 12, 2017 for an investment plan under section 457 of the Internal Revenue Code and asked Administrator Fetzer to please detail that for the Board.

Administrator Fetzer verified the documents before the Board from a company called Rothberg Financial and their partner representative, David E. Peterson. Administrator Fetzer relayed that they have provided us with a Plan Document Questionnaire, a 457 Application and the EQUI-VEST 901 Brochure and gave a brief explanation of the program plan.

Trustee Chessler made a motion that the Board approve, for our Township employees' participation, the AXA program and that we authorize the Township Administrator, with the assistance and guidance of the Law Director, to execute the Plan Document Questionnaire, the application and the service recordkeeping agreement and any other documents necessary to get this program in place; and request

the Fiscal Officer to cooperate in the recordkeeping and payroll deduction requirements and payment requirements; Seconded by Trustee Haines.

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

Trustee Chessler indicated that he would hope that the folks that would consider this are also aware that there is an Ohio 457, the Ohio Deferred Compensation Program that provides much the same thing already. Fiscal Officer Schlegel relayed that Ohio Deferred Comp. comes in every now and then to talk to our employees. Administrator Fetzer relayed that she believed this to be available online.

Consider Speed Zone Study Request of Stark County Engineers

Trustee Chessler stated that before the Board is a correspondence dated December 7, 2017 from the Stark County Engineer that includes a Speed Zone Study. Trustee Chessler indicated that the engineer is requesting the Board pass a resolution that will allow them to submit the Speed Zone Study to ODOT to determine a reasonable and safe prima facie speed for the roadway known as Riverside Avenue (Township Road number 353) which may or may not be 45 mph. Trustee Chessler indicated that the engineer notes that the resolution does not alter the existing speed limit.

Trustee Chessler inquired of Law Director Hall or Road Superintendent Masalko of any thoughts or comments regarding this matter.

Law Director Hall stated that it is a pro forma request by both ODOT and the Stark County Engineer.

Trustee Chessler inquired if this was one of those roads where because there is no speed limit established that it is by default 55 (mph). Road Superintendent Masalko confirmed yes.

Trustee Chessler made a motion that the Board adopt the resolution provided by the Stark County Engineer's office to consider and submit the Speed Zone Study to the Ohio Department of Transportation in order to provide a reasonable and safe prima facie speed limit on Riverside Avenue in Perry Township; Seconded by Trustee DeChiara.

Trustee Chessler indicated that for clarification, that is Riverside between Earl Road and the Perry Township line.

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

Consider 13th Street SW ADA Compliant Sidewalk Installation Contract

Trustee Chessler stated that the next item on the Agenda under Administration is the Board's consideration of the 13th Street SW ADA Compliant Sidewalk Installation Contract. Trustee Chessler indicated that per the supporting documents, a standard form Construction Contract has been submitted that would be between the Stark County Commissioners and the Liberta Construction Company for this project known as the 13th Street SW Compliant Sidewalk Installation. Trustee Chessler inquired of Law Director Hall if he had reviewed this. Mr. Hall confirmed yes and indicated that there were some grant monies that came through earlier this year to make that ADA compliant sidewalk.

Trustee Chessler stated that he would note, always the most important provision of a contract is the one dealing with money; the county shall pay the contractor for the performance of the work, the sum of \$44,935.60; the Township shall pay the contractor for the performance of the work, the sum of \$0.00.

Trustee Chessler inquired of Law Director Hall if there were any other things that the Board needed to be aware of. Mr. Hall stated that the Board will recall that the right-of-way has already been cleared so this is a good project. Trustee Chessler stated that the Commissioners have signed the contract and with our resolution, the Board of Trustees will execute this. Trustee Chessler indicated that there was no approval as to his form on the contract and verified of Law Director Hall if he would be sure to include this. Law Director Hall confirmed yes.

Trustee Chessler made a motion that the Board adopt and enter into a contract, as requested with the Stark County Commissioners and Liberta Construction for the 13th Street SW Compliant Sidewalk project; Seconded by Trustee Haines.

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

Fire Department:

Consider Regional Grant Contract

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 Gatchell Grant Resources, LLC to assist in preparing the 2017 FEMA – AGA regional grant for the 800 Radio System and the MARCS Radio System; the initial fee for the preparation of the grant is \$675.00.

Chief Martin indicated:

- In an effort to enhance the possibility of a FEMA – AFG Regional Grant award, Perry Township has joined in a collaborative effort with Beach City Fire & Rescue; Brewster Fire Department; Canal Fulton Fire Department; Nimishillen Township Fire Department and North Lawrence Volunteer Fire Department, Inc.
- It is a requirement of the FEMA – AFG Regional Grant, that one department be the host department. Perry Township Fire Department was selected to be the host department.
- All of the departments have guaranteed to share in the preparation and award fees of the grant. (there is an award fee of 8% paid to Gatchell Grant Resources if the grant is awarded. The 8% shall not exceed \$3,000.00)
- The contract has been reviewed by Law Director Hall and approved.

Trustee Chessler verified that the contract would have to clarify that it is between the Township and Gatchell Grant Resources, LLC and asked if that could please be modified. Chief Martin confirmed yes.

Trustee Chessler made a motion that the Board enter into the Agreement as outlined with Gatchell Grant Resources LLC for the Grant Application that we will be making for the FEMA grant.

Trustee Haines made note of a spelling change of the signature line at the bottom of the Agreement; the Board confirmed this correction to be made. Trustee Haines seconded the motion.

Trustee Chessler stated that it has been moved and seconded that we enter into this Agreement with those clerical modifications.

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

Consider Regional Grant MOU's

Trustee Chessler stated that this next item is in tandem with the previous one; the Fire Department is requesting the Board authorize the Fire Chief to enter into the 2017 AFG Regional Communication MOU's with Beach City Fire & Rescue, Brewster Fire Department, Canal Fulton Fire Department, Nimishillen Fire Department and North Lawrence Volunteer Fire Department, Inc.

Fire Chief Martin stated that FEMA requires that all regional grant requests have MOU's signed and in place with the submittal of the FEMA – AFG Regional Grant request; the MOU's have been reviewed and approved by Law Director Hall.

Trustee Chessler made a motion that the Board enter into the AFG Regional Communication grant application agreement with our participating entities that we previously listed; Seconded by Trustee DeChiara.

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

Trustee Chessler verified of Law Director Hall that the way the contract is written, we can have the Board's authority for the Fire Chief to sign. Law Director Hall confirmed yes.

Trustee Chessler stated that he will withdraw his motion and ask that the second be withdrawn. Trustee Haines indicated, so moved. Trustee Chessler stated that it has been withdrawn and the seconded and makes a motion that the Board authorize and in entering into the AFG Regional Communications Grant and further authorizing the Fire Chief to sign on behalf of the Board; Seconded by Trustee Haines.

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

Consider Resignation of Joshua Pappas

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees accept the resignation of part-time firefighter Joshua Pappas effective Monday, December 25, 2017, resignation letter attached before the Board.

Trustee Chessler made a motion that the Board accept that resignation; Seconded by Trustee Haines.

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

Executive Session: ORC 121.22 (G) (1) Consider Termination of Part-Time Firefighter John Edwards

Trustee Chessler stated that for the record, the Agenda shows there was an Executive Session listed under the Fire Department and verified of Fire Chief Martin that this was no longer necessary. Chief Martin confirmed that was correct and relayed that this individual tendered their resignation today.

Law Director Hall stated that per the letter of resignation, he would recommend that under Item #4, that the Board go ahead and accept the resignation of John Edwards effective immediately.

Trustee Chessler verified that Chief Martin was in possession of the resignation letter. Chief Martin confirmed yes.

Trustee Chessler stated that referring to the letter that Chief Martin has in his hand makes a motion that the Board of Trustees accept that letter of resignation for John Edwards; Seconded by Trustee Haines.

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

Police Department:

Consider Agreement for Polygraph Services with the Stark County Sheriff's Office

Trustee Chessler stated that per Chief Pomesky's memo dated December 11, 2017, he has asked for the Board's approval to enter into the Polygraph Examination Services Agreement with the Stark County Sheriff's Office for 2018-2020; the memo is accompanied by a cover letter from Major Weirtz of the Sheriff's office and written agreement which Law Director Hall has confirmed review of. Trustee Chessler also verified of Chief Pomesky of his review of this agreement, and asked Chief Pomesky for confirmation that these services continue to be beneficial to the Township; Chief Pomesky confirmed yes.

Trustee Chessler made a motion that based on that information, that Perry Township enter into an Agreement for Polygraph Examination Services with the Stark County Sheriff's Office as in the terms outlined in the written agreement; Seconded by Trustee Haines.

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

Consider Retirement of Sergeant Frank Hamilton

Trustee Chessler indicated that he would read aloud the letter from Chief Pomesky dated December 6, 2017: 'Sergeant Frank Hamilton has submitted the attached letter regarding his wish to retire from the Police Department. Sergeant Hamilton has been with the Perry Township Police Department since April 22, 1988. In his 30 years with our department, Sergeant Hamilton was a great Sergeant on the road serving the residents of Perry Township for his entire law enforcement career. Prior to being in law enforcement, Sergeant Hamilton worked for P & S Ambulance as a driver/paramedic and provided emergency care to patients in need.'

Trustee Chessler indicated that the request is for the Board to accept and approve the retirement of Sergeant Hamilton with the effective date of January 31, 2018. Trustee Chessler stated that we will wish Sergeant Hamilton and his family the best in all of their future endeavors. Trustee Chessler indicated that by Sergeant Hamilton's letter of December 5th, he has submitted his application for retirement to the Ohio Public Retirement System and his anticipated date of retirement and last shift is January 31, 2018.

Trustee Chessler stated with that and with great appreciation on his years of service, makes a motion that the Board accept this letter; Seconded by Trustee DeChiara.

Trustee Chessler inquired of Chief Pomesky if Sergeant Hamilton had expressed any desire or wishes not to be recognized as we typically do. Chief Pomesky stated that he would ask if we could do this for the last part of January or the first part of February's meeting. Trustee Chessler stated that Sergeant Hamilton's personality is not to seek this kind of thing, but added that he felt 30 years of service was worthy of some recognition with his voluntary participation.

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

Road and Park Department:

Consider Purchase of Snow and Ice Treatment

Trustee Chessler stated that per Road Superintendent Masalko's memo dated December 8, 2017 is a request for approval for payment of money to buy salt; the budget was for \$257,590.00 and the bid price is \$54.87 per ton which includes elevation into the dome. Trustee Chessler inquired of Road Superintendent Masalko if there was anything else the Board needed to consider. Mr. Masalko asked that when the Board made the motion to approve this, to please make sure to include Cargill De-icing Technologies and DRS Services.

Trustee Chessler inquired if these were two separate businesses. Mr. Masalko confirmed that they were; one is Cargill De-icing which is salt and DRS Services is the elevation into the dome. Trustee Chessler inquired if they submitted separate contracts or purchase orders. Mr. Masalko stated they did not.

Trustee Chessler made a motion that the Board approve spending the budgeted amount of \$257,590.00 for our salt needs for the 2017-2018 winter season and upon proper invoice and review and approval by the Fiscal Officer, that we pay amounts as they are billed to Cargill, Inc. De-icing Technologies and/or DRS Services for the salt and elevation at the respective rate; Seconded by Trustee Haines.

Trustee DeChiara inquired if it was possible that our political subdivisions could go in together to try and buy in group. Mr. Masalko confirmed yes and stated that this is through the county. Trustee DeChiara inquired if that price was up or down from previous years. Mr. Masalko confirmed that the price was actually down from last year.

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

Law Director:

Brief Status Update on EMS Collections

Law Director Hall stated that the contract with C & C Collections has been terminated; their access to our systems and to the third parties has been shut down and we have received no cooperation from them. Mr. Hall stated that Chief Martin has worked diligently with Life Force, they are in the process of uploading and pursuing all of the collections for the unit billings for the period of January 1, 2018 through the present time. Law Director Hall stated that we are still accessing the effect of that contract breach and will have more information for the Board as this develops.

Zoning:

Consider Nuisance Properties

Department Matters Not Requiring Board Action:

Administration: None.

Fire Department: None.

Police Department:

November activity report

Road Department: None.

Parks/Recycling: None.

Zoning: None.

Law Director: None.

Announcements:

~5th Annual Light Up Perry – Residential and Commercial Christmas Lighting Contest

~Perry Township Gives Back – Christmas Gift Program facilitated by employee donations

Public Speaks-Open Forum:

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.

Craig Chessler, President

Joe Schlegel, Fiscal Officer