

**Perry Township Board of Trustees  
Budget Hearing Early Start Time 5:00 pm  
Special Presentation 6:00 pm  
Regular Meeting 7:00 pm  
December 6, 2016**

**Early Start Time -- 5:00 pm**

Trustee Haines called the Perry Township Board of Trustees meeting to order and indicated that the Budget Hearings would begin at 5:00 pm.

**2017 Budget Hearings**

**General Fund:**

**ADMINISTRATION**

Fiscal Officer Schlegel indicated that Administrator Fetzer has turned in the 2017 projected budget request amount of \$68,300.00.

Administrator Fetzer stated that the two (2) items that did not make it on the projected list are: the carpet quote in the amount of \$13,000.00 from Hosner Carpet (\$3,200.00 of that price is moving all of the furniture.) The other item is the roof over the maintenance garage, the administration office and the fire administration. Administrator Fetzer indicated that an estimate for the new roofing was previously given five (5) years ago in the amount of \$32,000.00 and added that the estimate would likely be more than that at this time. Further discussion took place regarding the roofing matter.

**ZONING**

Fiscal Officer Schlegel indicated that Zoning Inspector Cugini's 2017 projected zoning budget in the amount of \$32,000.00 is pretty much the same amount as last year's budget amount. Zoning Inspector Cugini indicated that the zoning resolution is in dire need of updating. Further discussion took place regarding proposed zoning software and the projected budget for the zoning department.

Fiscal Officer Schlegel stated before we move on to the Road Department, wanted to indicate:

General Fund Carry over \$	900,000.00
Income	<u>925,267.00</u>
Total \$	1,825,257.00

Fiscal Officer Schlegel made indication of 1-A-26 on the first page of the Annual Appropriation Resolution of the Fasnacht loan in the amount of \$45,186.80; page 10, 15B – Park Bond and gave further explanation in this regard.

**PARK DEPARTMENT**

Regarding the Parks Budget, Fiscal Officer Schlegel indicated that equipment purchases totaled \$90,000.00.

Road and Park Superintendent Masalko indicated that the Road Department yard waste recycle portion has grown and referred to the photographs before the Board. Mr. Masalko stated that he is proposing to the Board to consider purchasing a new loader as well as moving the yard waste portion. Mr. Masalko relayed that he would be able to apply for grant monies for the relocation of the yard waste. Road Superintendent Masalko indicated that among the quotes that he obtained for a new loader, Southeastern Equipment came in with the lowest bid. Fiscal Officer Schlegel stated that if the Board would be in agreement with this purchase, he would include this purchase within the 2017 projected park budget.

#### **ROAD DEPARTMENT**

Fiscal Officer Schlegel referred to Pg. 6 of the Appropriation Resolution under Road and Bridge Fund and indicated a \$40,000 carry over. Mr. Schlegel stated that everything Mr. Masalko is requesting will get funded. Fiscal Officer Schlegel stated that as Road Superintendent Masalko knows, the budget is so tight, if anything were to be changed; they would have to pull money away from one budgeted item to be able to spend it on another all within this budget amount. Fiscal Officer Schlegel referred to Pg. 11 of the Appropriation Resolution under the Road Bond and gave further explanation in this regard.

#### **POLICE DEPARTMENT**

Fiscal Officer Schlegel referred to Pg. 7 of the Appropriation Resolution under the Police Fund and indicated that the carry over is \$40,000.00; income is \$3,313,927.00 for a total budget of \$3,353,927.00. Fiscal Officer Schlegel stated that as the Board is aware, we have made an advance from the General Fund and will do one again tonight; the first year in the amount of \$250,000.00; the second year in the amount of \$230,000.00; this year in the amount of \$200,000.00; further discussion regarding this advance will take place later in the meeting. Mr. Schlegel referred to 9-A-7, tools and equipment and the request to replace three (3) new patrol cars. Fiscal Officer Schlegel referred to the police levy passed in 2014 and gave more explanation in this regard.

#### **FIRE DEPARTMENT**

Fiscal Officer Schlegel referred to Pg. 8 of the Appropriation Resolution under the Fire District and indicated a carryover of \$750,000.00; income is \$2,858,675.00 for a total budget of \$3,608,675.00. Fiscal Officer Schlegel stated that in regard to the budget Chief Martin turned in to him, each item was essentially checked off, with the exception of Workers' Comp and also added that there was an increase in the repairs account. Further discussion took place in regard to the fire district budget.

#### **Public Hearings/Invited Guests:**

Special Presentation – Darryl Anderson 800 Radio System

Major Darryl Anderson, Stark County Sheriff's office - Major Anderson introduced himself and indicated that he is filling the role as a special deputy to Sheriff Maier who has asked him to come before Stark County as a consultant to help make the migration of the next generation radio platform. Major Anderson gave a presentation along with handout information before the Board. Per any potential inquiries or further information regarding this radio system, Major Anderson also relayed his contact telephone and email information. In addition, Major Anderson indicated that the slide show presentation previously made to the County Commissioners would be available as well.

Major Anderson answered several questions relayed by the Board and thanked the Board for the opportunity to speak this evening. The Board extended their appreciation to Major Anderson for being here tonight.

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

**Excused absence:**

**Additions/Deletions to Agenda:**

Trustee Haines indicated that he had one addition under Zoning that was emailed to us today in regard to a demolition of some property, 5046 Tuscarawas St. W. Trustee Haines made a motion to add the demolition of property at 5046 Tuscarawas St. W. to the Agenda; Seconded by Trustee Chessler.

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

**Communications:**

**Adam Silla – Volunteer Fire Fighter's Dependents Fund**

Trustee Haines referred to the letter received from Adam Silla regarding the Volunteer Fire Fighter's Dependents Fund. Trustee Haines verified of Fire Chief Martin that each year two (2) firefighters are appointed to sit on that committee and they appoint three (3) others. Chief Martin indicated that this fund is independent of the fire department, but confirmed that he believed this was correct.

Trustee Haines relayed that Adam Silla and Larry Sedlock are currently the two committee members the Board has appointed and added that there has not been any indication they would want to be removed from this committee; two other members are elected by the Fire Department and the fifth committee member is voted upon by the first four (4) committee members.

Trustee Haines made a motion that the Board appoint Adam Silla and Larry Sedlock as the elected Board from the Board of Trustees; Seconded by Trustee DeChiara.

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

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

**Township Business requiring Board Action:**

**Unfinished Business:**

**New Business:**

Trustee Haines made a motion to approve bills in the amount of \$125,820.77 for the week ending November 22, 2016 and bills and payroll in the amount of \$535,761.25 for the week ending November 29, 2016 and approval of bills for the week ending December 6, 2016 in the amount of \$18,068.14 for a combined total of \$679,650.16; Seconded by Trustee Chessler.

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

**Fiscal Officer:**

**Consider Approving November 15, 2016 Meeting Minutes**

Trustee Haines made a motion to approve the November 15, 2016 meeting minutes; Seconded by Trustee Chessler.

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

**Consider Advancing \$200,000 from the General Fund to the Police Fund to be Returned Upon Receipt of 2017 Property Taxes**

Trustee Chessler stated that based on the explanation of the Fiscal Officer during our Budget Hearings and the request that he made before the Board tonight moves that the Board approve the advancement of \$200,000 from the General Fund to the Police Fund to be returned upon receipt of the 2017 property taxes; Seconded by Trustee DeChiara.

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

**Administration:**

**Consider EPA-MS4 Permit in the Amount of \$1,500**

Administrator Fetzer indicated that attached before the Board is the invoice from the Ohio EPA regarding the annual discharge fee in the amount of \$1,500.00. Over 500 entities in Ohio including townships, villages and cities are required to obtain an annual discharge permit. Storm water discharge has been proven to cause multiple problems for our rivers, lakes and streams. In an effort to keep pollutants under control, the Ohio EPA has enforced this annual permit requirement.

Trustee Chessler made a motion that the Board pay its annual fee for the NPDES program in the amount of \$1,500.00; Seconded by Trustee DeChiara.

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

**Fire Department:**

### **Consider Accepting Donation from Joe Janson and Bill Daniela**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees accept a donation in the amount of \$573.00 from Mr. Joe Janson and Mr. Bill Daniela. The donation is the result of money collected from the 10<sup>th</sup> Annual Crestwood Allotment Mower Run. The donation will be used to purchase Fire Prevention materials.

Trustee Chessler made a motion to accept the kind donation from Mr. Joe Janson and Bill Daniela in the amount of \$573.00 that will be accepted by the Township and credited to the Fire Department; Seconded by Trustee DeChiara.

Trustee DeChiara inquired if we had sent a formal thank you to these gentlemen on behalf of the Board and Fire Department and previous donation to the Police Department; Administrator Fetzer confirmed that we would do this.

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

### **Consider Fulltime Fire Medic Testing**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the Fire Chief to take the steps necessary to establish a fulltime fire medic eligibility list. Chief Martin indicated that with the resignation of fulltime fire medic Adam Hafer, the department is short one (1) full time medic. There are only two candidates remaining on the current eligibility list which has been in existence for over one (1) year. Since the establishment of the list, the department has hired several part-time paramedics and has several part-time members that are currently in paramedic school. Chief Martin indicated that the department believes that the organization and community would be better served by establishing a new eligibility list, attached before the Board.

Trustee Chessler stated that based on the explanation of the Fire Chief makes a motion that the Board authorize the Fire Department to take the steps necessary to establish a full time fire medic eligibility list that is consistent with the criteria that the Chief has put forth in his memo to the Board dated December 2, 2016; Seconded by Trustee DeChiara.

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

### **Consider Accepting Pay Rate Variance**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees accept the settlement agreement related to the Step 2 Pay Rate Grievance filed by IAFF Local 3960. The Board Resolution prepared by Law Director Hall, attached before the Board.

Law Director Hall indicated that immediately prior to the last meeting, he and Chief Martin were able to work out a settlement of the pay rate grievance which has been approved by the union; it requires an adjustment of pay rates of the grievant and two other members of the department retroactive back to their probationary period. Mr. Hall stated that he and Chief Martin recommended that the Board accept

this settlement by formal resolution roll call vote so the Fiscal Officer can make those adjustments in the payroll.

Trustee Chessler stated that the Board is aware of the circumstances surrounding this and has been presented with a written resolution; it has been approved as to form and sufficiency by the Law Director and makes a motion that the Board adopt this in its current form; Seconded by Trustee Haines.

Trustee DeChiara stated that the union hung their hat on the word 'you shall be paid this amount of money for the contract' and added that this is how this grievance started. Trustee DeChiara inquired how does giving the other guys retroactive back pay satisfy the contract line which states 'you shall be paid this amount of money'. Law Director Hall indicated that it doesn't amend the contract or modify the contract, it was just a resolution that the union, he and Chief Martin believed resolved that issue through the remainder of this contract. Mr. Hall indicated that this language as well as probationary employees would need to be addressed. More discussion took place regarding this matter.

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

**Police Department:**

**Road and Park Department:**

**Consider Approval to Purchase Deicing from Cargill Inc. and DRS Services for Salt Purchase and Elevation**

Road Superintendent Masalko stated that is he is requesting the Board's approval of \$257,590 to be used for the vendors of Cargill Inc. De-icing Technologies and DRS Services for salt purchase and elevation. The 2016-2017 season bid price came in at \$58.87 a ton; this also includes elevation into the dome.

Trustee Haines inquired of Road Superintendent Masalko how much salt we had left over from last year. Mr. Masalko stated approximately three thousand tons left from last year. Trustee Haines inquired how much would be elevated into the dome to start. Mr. Masalko stated that he would probably order four thousand ton.

Trustee Haines made a motion that the Board approve Road Superintendent Masalko to buy the salt through this year from Cargill Inc. and DRS Services with a budget of \$257,590 for salt at a bid price of \$58.87 a ton; this includes elevation into the dome; Seconded by Trustee Chessler.

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

**Law Director:**

**Consider JEDD with the City of Canton**

Law Director Hall referred to the Special Meeting that was held on Friday, December 2, 2016 regarding this matter and added that he would like the meeting minutes to reflect that we are still within the

thirty (30) day public comment that is required by law regarding the JEDD document. Law Director Hall indicated that the Board met with city representatives to compromise language on the annexation provision at this Special Meeting. Mr. Hall stated that he would also like the meeting minutes to reflect that the JEDD document is here and is available for public review and comment; no action needs to be taken this evening but added that he does anticipate bringing this back to the Board for final approval on December 20, 2016.

### **Consider Grovemiller Park Management Agreement**

Law Director Hall stated that we have negotiated a Management Agreement that he would recommend to the Board. Mr. Hall also relayed that it has terms that are favorable to the Board assuming responsibility for the maintenance of the Grovemiller park lands. Trustee Haines confirmed that we will be taking over maintenance of those as of January 1, 2017. Trustee Haines inquired if we would need to attend one of their meetings. Law Director Hall confirmed no and added that if the Board approves this, their council and the park board will set this forth. Trustee Chessler inquired of Law Director Hall if there was any language in the Agreement in regard to the gas and/or mineral rights from these properties. Mr. Hall confirmed yes and gave a brief explanation regarding this matter.

Trustee Haines stated that based on the Grovemiller Park Management Agreement between Perry Township and the Canton Board of Park Commissioners and the Director of Public Services for the City of Canton, as it is written, makes a motion that the Board move into this Agreement effective January 1, 2017 for a fifty (50) year period; Seconded by Trustee DeChiara.

Trustee Chessler indicated that even though he works for the City, he has no direct authority over the parks or City Council or as representation of the parks and no connection with the drafting of this Agreement. Trustee Chessler verified of Law Director Hall if it was acceptable for him to vote on this motion. Law Director Hall confirmed that it was.

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

### **Zoning:**

### **Consider Waiving Zoning Permit Fee for Fire Stations #2 and #3**

Trustee Haines indicated that Zoning Inspector Cugini has contacted each Trustee individually regarding this matter but will request publicly that these permit fees be waived.

Zoning Inspector Cugini stated that the Perry Township Fire Department is adding some living quarters to two (2) of their fire stations and as a requirement for the Perry Township Zoning Resolution, it is required for them to get a zoning permit from the Zoning Department and is requesting the Board to waive the zoning fees; so moved by Trustee Chessler; Seconded by Trustee Haines.

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

### **Problem Properties**

### **Demolition of Property at 5046 Tuscarawas St. W.**

Zoning Inspector Cugini stated that in regard to the properties located at 5044 and 5046 Tuscarawas St. W, he and Law Director Hall have had several conversations with the attorney who is the owner's representative of these properties to try and process some resolutions concerning this matter. Mr. Cugini added that these buildings are in poor shape and gave a brief overview of their condition. Mr. Cugini indicated that he spoke with Angela Cavanaugh, chief building official of the Stark County Building Department, to send an inspector out to this site and it was deemed a serious hazard and danger to human life.

Zoning Inspector Cugini stated that at Law Director Hall's recommendation is requesting the Board to consider a resolution declaring the buildings located at 5044 and 5046 Tuscarawas St. W in Canton, Ohio 44708 as unsafe, structurally defective and beyond repair as determined by the Stark County Building Department; as well as approve the solicitation for cost estimates for demolition and removal of these unsafe and structurally defective buildings; if the owner does not take action, we would like to further our action.

Law Director Hall stated that as the Board is aware, under Ohio Revised Code Section 505.86: upon declaration by the building inspector or fire department or other certified official, that building is unsafe and the Board can declare it as a public nuisance. Mr. Hall stated that they are asking the Board to pass a resolution formally declaring the property at 5044 and 5046 Tuscarawas St. W. as a public nuisance. Mr. Hall stated that will permit the zoning inspector to go forward to pursue the necessary action to try to force the property to be taken down; if not, we will come back to the Board and discuss how to proceed from there. Further discussion took place regarding this matter.

Trustee Chessler stated that based on the information that we have received tonight, made a motion that the Board make a declaration that the structures located at 5044 and 5046 West Tuscarawas St., Perry Township, Stark County, Ohio constitute a public nuisance and unsafe structure that is need of razing or repairing further authorizing the zoning inspector/code enforcement officer to obtain cost estimates for the razing or removal of the structures to abate the nuisance condition; Seconded by Trustee DeChiara.

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

Trustee DeChiara inquired of Zoning Inspector Cugini if there were any Ohio funding grants or anything that we can work with to get something back on this. Law Director Hall indicated that he was not aware of any monies for commercial properties.

### **Executive Session(s):**

### **Department Matters Not Requiring Board Action:**

### **Administration:**

### **Fire Department:**

**Police Department:**

**Road Department:**

**Parks/Recycling:**

**Zoning:**

**Law Director:**

**Upcoming Events:**

**Public Speaks-Open Forum:**

Richard Morrison, 1449 Fairlane Ave. SW – Mr. Morrison stated that he has two things that he would like to address; one is the roads; 13<sup>th</sup> Street, only a portion of that was repaved behind Central Catholic High School and the roads are all tore up. Trustee Haines stated that each year we look at that in the spring and gave a brief explanation regarding the road levy being passed and being back to repaving versus the micro surfacing. Trustee Haines also relayed that they expect to be able to repave approximately 3-5 miles of road this year of the 149 miles road of Township roads.

Mr. Morrison stated that they have been having a problem with one of their neighbors regarding the loud music and noise at 223 Fairlane Ave. and gave a brief explanation regarding this. Police Chief Pomesky requested for Mr. Morrison to give him his phone contact number after the meeting and stated that he could look into this matter.

Russ Doyle, 3152 Watova Rd. NW – Mr. Doyle stated that he had a couple of questions regarding the JEDD agreement; the Board answered several questions and explained more information regarding this agreement.

Mr. Morrison had an additional question regarding posting No Parking signs on Fairlane. Trustee Haines gave a brief explanation concerning this matter.

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:50 pm; Seconded by Trustee Chessler.

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

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Doug Haines, President

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Joe Schlegel, Fiscal Officer