

Perry Township Board of Trustees

Regular Meeting

June 21, 2016 7:00 pm

Call to Order/ Pledge of Allegiance:

Excused absence: Karl Kraus, Assistant Zoning Inspector

Additions/Deletions to Agenda:

Trustee Chessler made a motion that the Board add to this evening's Agenda under the Fire Department: to consider the hiring of Police and Fire Mechanic; Seconded by Trustee Haines.

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

Trustee Haines made a motion to add the hiring of our new Zoning Inspector and indicated that this is not listed on the Agenda; a Special Meeting was held in regard to this matter the previous evening; Seconded by Trustee Chessler.

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

Public Hearings/Invited Guests:

Communications:

Board Received Communication on June 7, 2016 from Simon Warstler

Trustee Chessler relayed that he had previously spoken with Mr. Paul Eash last year; he lives on the corner of Elm Breeze and Jackson as well as with Mr. Simon Warstler, neighbor to Mr. Eash on 27th St. NE, regarding a drainage project that had been done many years ago. Trustee Chessler briefly summarized that in Mr. Eash's estimation, this project had not been effective due to some construction in the area. Trustee Chessler indicated that Mr. Warstler has again reached out to him in regard to the township assisting in solving this drainage problem.

Trustee Chessler relayed that Mr. Warstler indicated that he had reached out to Gary Connor, Hydraulics Engineer of the Stark County Engineer's Office who had an idea of how to solve the problem. Trustee Chessler stated that instead of handling this on his own, he asked Road Superintendent Masalko to intervene and get in touch with Gary Connor; to get his thoughts and we could then consider this as a Board when we have information gathered from Road Superintendent Masalko and Mr. Connor on what the proposed solution is.

Trustee Chessler stated that one thing of note here is that these are two private properties; there is a pond on one property and the other area that this impacts is Jackson Avenue which is partially the City

of Massillon's drainage responsibility. Trustee Chessler stated that he would like to look at this and maybe contact the other stake holders of the two private property owners and the City of Massillon to see if when we have a solution in mind, the interested parties might share the costs and burdens of that.

Trustee Haines thanked Trustee Chessler for the update.

Public Speaks on items up for Board Approval: None.

Township Business requiring Board Action: None.

Unfinished Business:

Consider Second Reading of No Through Trucks Resolution Introduced on 06/07/16

Trustee Haines indicated that this matter was introduced at our last meeting wherein there was discussion and indicated that the Board would need to put this in a formal resolution at this time. Trustee Haines inquired if there was any other discussion on this.

Trustee Chessler verified of Law Director Hall that he had previously advised the Board after discussion of this matter. Law Director Hall stated that he just wanted to verify; the Attorney General had issued an opinion that statutory townships do not have any authority to do a No Through Truck Resolution. Mr. Hall stated that he would be quite candid in relaying that he is in disagreement with the Attorney General's 1986 interpretation statute, but added that clearly under the home rule statute, which Perry Township adopted in 1984, this Board does have authority to pass this resolution through public grievance; the first public grievance was the last meeting, this would be the second public grievance and can be enacted upon the passing.

Trustee Chessler stated that he will announce that the Board will conduct its second reading tonight of approval to place No Through Truck signs on Zern Avenue between 13th St. SW and Lincoln Way; Leonard Ave. SW between 13th St. SW and Lincoln Way; and 12th St. SW between Leonard Ave. SW to the East Termini. Trustee Chessler stated that resolution being enacted under our home rule authority; Seconded by Trustee Haines.

Trustee Haines inquired if there was any public comment in regard to this matter; seeing none.

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

New Business:

Trustee Haines made a motion to approve bills and payroll in the amount of \$201,027.05 for the week ending June 14, 2016 and bills in the amount of \$31,241.63 for the week ending June 21, 2016 for a combined total of \$232,268.68; Seconded by Trustee DeChiara.

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

Fiscal Officer:

Request from June L. Branch and Judee Flex to have Street Light Turned Off

Fiscal Officer Schlegel indicated that he had forwarded a copy of a letter received on 12-22-15 to the Board in regard to a lighting district that involved three homeowners with a request to terminate said lighting district. Fiscal Officer Schlegel stated that of the three property owners, one of them has passed away and the remaining two property owners had sent this letter explaining these circumstances. Mr. Schlegel indicated that the Board approves these once a year and added that this lighting district was approved on 8-4-15 and will be renewed again in August 2016. Mr. Schlegel explained that he did speak to the two remaining property owners, June Branch and Judee Flex to confirm their intention of shutting off this lighting district; they confirmed that this was still their intent. Mr. Schlegel stated that he is requesting the Board to make a motion to approve this matter.

Trustee Haines inquired if either of these two property owners were in attendance this evening; seeing that they were not and no discussion would take place made a motion that when we renew the street light contracts, the Board authorize the 8th Street Lighting District be dissolved; that contract will not be renewed in August 2016; Seconded by Trustee Chessler.

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

Consider Accepting the Following Minutes;

5-03-16 Regular Meeting

5-19-16 Special Meeting

6-07-16 Regular Meeting

6-14-16 Special Meeting

6-15-16 Special Meeting

Trustee Haines made a motion to accept the following minutes: 5-03-16 Regular Meeting; 5-19-16 Special Meeting with one correction of a name spelled wrong; the name of Sam Sliman; 6-07-16 Regular Meeting, one correction of a name spelled wrong under Public Speaks; the name of Mr. Stan Mehringer; 6-14-16 Special Meeting and 6-15-16 Special Meeting, all approved with those specified corrections to be made; Seconded by Trustee Chessler.

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

Administration:

Consider Accepting Meredith Park Shelter Quote in the Amount of \$16,783.23

Administrator Fetzer indicated that during the May 17, 2016 Regular Meeting, the Board accepted the Meredith Park donation from Joe Newsome, President of Perry Youth Soccer in the amount of \$5,283.32 and previously accepted the donation from the Perry Rotary in the amount of \$5,000.00. Administrator Fetzer indicated that the only thing left to do is to accept the proposal from Riggs Construction; after already obtaining three (3) competitive bids, Riggs Construction being the bid selected. Administrator Fetzer stated that she neglected to request the Board's motion to accept this in the proper amount.

Trustee Chessler stated that based on the proposal that we have received from Riggs Construction, being one of four that we solicited to determine the appropriate price, and with the addition of the Rotary donation, makes a motion that the Board accept the proposal from Riggs Construction dated February 23, 2015 for the Meredith Park Shelter at a cost not to exceed \$16,783.23; again applying the Rotary donation to that cost; Seconded by Trustee Haines.

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

Fire Department:

Consider Purchasing Fire Safety Inflatable

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the purchase of a Fire Engine Slide Inflatable from Fire Safety Inflatables in Brunswick, Ohio at a price not to exceed \$4,795.00.

Chief Martin referenced the photographs attached before the Board and indicated that this is a fire safety interactive prop that can be used indoors or outdoors. Chief Martin stated that this inflatable normally sells for \$7,995.00 but the company has now reduced it to \$4,795.00 and indicated that the inflatable comes equipped with everything needed to operate the prop including the blower.

Chief Martin stated that Chief Abbott is always looking for ways in which to educate and convey to our school students the message of being more proactive. Suppression is reacting to a fire; fire prevention is taking steps ahead to prevent something from happening. Chief Martin stated that young children are very susceptible to fire injuries and deaths so anytime we have an opportunity to engage them, this is the device that really allows us to do that and helps get that message across to make Perry Township a safer community.

Trustee Haines made a motion that the Board approve the Fire Chief to purchase a fireman's slide inflatable from Fire Safety Inflatables, 2880 Interstate Parkway, Brunswick, Ohio 44212 with the price not to exceed \$4,795.00; Seconded by Trustee Chessler.

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

Trustee Haines inquired if this was something that we will use with other communities and other fire departments.

Fire Chief Martin confirmed that we can and added that it is a policy that we may want to discuss, a possible user's fee. Chief Martin indicated that he knows that Chief Abbott will take very good care of it, but can't always speak for other departments adding that certainly if the Board would want to do that, they are more than willing to share this resource.

Trustee Haines inquired if we would have this (inflatable) in time for the upcoming Party in the Park; Chief confirmed that he was hopeful that they would.

Consider the Hiring of Police and Fire Mechanic

Trustee Haines indicated that this next item is considered Fire/Police adding that both the Fire Chief and Police Chief have been interviewing. Trustee Haines stated that we lost one of our mechanics to another municipality and then we had an untimely death with one of our mechanics which left us with no mechanics to service our fire trucks and police patrol cars.

Fire Chief Martin stated that he and Police Chief Pomesky have interviewed approximately seven or eight candidates and then narrowed this down to several candidates. Chief Martin indicated that these candidates have completed the drug screening process and added that Chief Pomesky conducted a very thorough and extensive criminal and work background for the applicants as well. Chief Martin stated that they are requesting the Board to replace both positions that we have open with two mechanics, starting wage of \$21.00 per hour based on the standard, fulltime workweek. Chief Martin stated that both individuals will be afforded the fulltime applicable benefits and will serve a twelve (12) month probationary period. Chief Martin stated they would like these two candidates to start July 5, 2016 and added that both of them have confirmed that date as well. Chief Martin indicated that both of these candidates have extensive automotive experience and gave a brief summary in this regard as well as stating that he and Chief Pomesky are in agreement that a supervisory position is not necessary at this time. Police Chief Pomesky confirmed this as well.

Trustee Haines made a motion that the Board hire, for the Police and Fire Department, mechanics, Michael R. Rohr and Steven R. Furlong as fulltime Police and Fire Vehicle Maintenance Technicians, starting wage at \$21.00 per hour based on 2080 hours per year; both individuals will be afforded all the benefits applicable to fulltime employees and both will serve a twelve (12) month probationary period with a starting date to be Tuesday, July 5, 2016; Seconded by Trustee Chessler.

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

Police Department:

Road and Park Department:

Consider Re-establishing the Distribution of Mobile Matting Policy

Road Superintendent Masalko stated that back on June 5, 2012, the Board adopted a resolution to require pavement, curb and ground protection devices whenever operating equipment on the road surface and with the Perry Township Road Right of Way. Mr. Masalko indicated that this has not been implemented within the past year. Mr. Masalko also stated that he would like to have this resolution re-established and go out with every zoning permit that is issued throughout the Township. Mr. Masalko indicated that this would be utilizing a protection device such as "Mobile Matt". Trustee Haines confirmed that this would be handed out with any permits such as new house, swimming pool or when any type of excavation equipment might be used. Mr. Masalko confirmed yes and added any kind of excavation equipment used that is on the right-of-way.

Trustee Haines confirmed with Law Director Hall if we need to make a motion for this. Mr. Hall indicated that the Board does not need to take any kind of formal action other than just to authorize the

Road Superintendent and the Zoning Department to increase the distribution of this, to be aware of it and concur with it since this resolution has already been adopted. Mr. Hall stated that he would suggest that this be done not only through zoning, but also by way of the website information.

Trustee DeChiara inquired if there is a fee to use this type of equipment. Trustee Haines indicated that this would be the responsibility of the construction company to supply this and added that they have to have this in order to take their equipment off the edge of the road. Mr. Hall also made reference of when 4x4's or railroad ties have been utilized to protect the edge of the roadway in similar circumstances.

Trustee Chessler verified that we were making a condition of the issuance of the permit that they comply with this policy. Law Director Hall confirmed yes and indicated that the Board has previously passed a motion in this matter.

Law Director: None.

Zoning:

Consider Hiring of Zoning Inspector

Trustee Haines stated that the Trustees have interviewed zoning inspectors and indicated that we have received approximately twenty (20) applicants. Trustee Haines stated that the Board interviewed five of those twenty and each of the Board members made their recommendation; two interviews were conducted last Wednesday, 6-15-16 as well as three interviews conducted last night, Monday, 6-20-16; and after the Executive Session last night, the Board came to an agreement on who we are going to hire.

Trustee Haines made a motion that effective July 11, 2016 the Board will hire Tim Cugini at a salary of \$54,000 a year and he will be afforded all of the benefits applicable to a fulltime employee with a start date of July 11, 2016; on December 1, 2016, upon completion of his probationary period, the salary would adjust to \$56,500 at that time; Seconded by Trustee Chessler.

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

Problem Properties

Law Director Hall indicated that Assistant Zoning Inspector Kraus has managed several of these properties to be mowed.

4080 Richmond St. SW – Law Director Hall indicated that on Monday, this property is scheduled to have trash removed as well as be mowed and arrangements have been made to remove inoperable and junk vehicles.

Executive Session(s):

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.

Upcoming Events:

~Perry Township Party in the Park! (Formerly Taste of Perry) Saturday- July 9th Noon to 8:00 pm at Hartwick Park – Enjoy All Day Events and Entertainment – Special Features: Mix 94.1 Remote Broadcasting and the Blues Band – TRIPPER from 5:00 to 7:00 pm. Sponsored by Aqua. Additional event details at www.perrytwp.com.

Public Speaks-Open Forum:

Trustee Haines relayed that if anyone would like to address the Board, please step forward to the podium and state your name and address.

Dan Phillips – stated that he is on the ballot in November to run for the United States House of Representatives seat as the nonparty candidate, as an independent and wanted to introduce himself adding that he grew up in Stark County and still has many relatives still living in this area. Mr. Phillips gave some brief information about himself and his family and graciously asked for the voter's support for the upcoming November election. Mr. Phillips thanked the Board for the opportunity to speak this evening and added that he would welcome any comments after the meeting.

Shon Cunningham, 6350 Dodge Rd. SW, Canton – Mr. Cunningham stated that there is a parcel behind them on Richville Drive that is approximately 10.06 acres; the property owner has been putting up fences, buildings, etc. Mr. Cunningham stated that he does not believe the property owner has applied for any permits and added that from speaking to someone from the township zoning department, is under the understanding that he does not need a permit due to his acreage. Mr. Cunningham briefly stated that this property owner has plans for cattle and some kind of a fruit stand and added that everybody in the neighborhood has issues with this.

Mr. Cunningham stated that in addition, the property owner is putting up a fence and he doesn't even know where the property lines are, he did not have a survey done. Fence posts are being put up and they are not sure if there is cattle on the property and if so, does there need to be a buffer between their properties and this one and referenced not wanting his daughter to be able to reach and grab an electric fence.

Lastly, Mr. Cunningham indicated that they get a lot of run-off from this property owner's field onto theirs and added that he has cattle on that property and is worried about their well water.

Law Director Hall indicated that he was not previously aware of this referenced matter, but added that it is a very difficult problem in the aspect that under the state code, if a property is five (5) acres or larger and is being used for agricultural purposes, then it is exempt from zoning. Mr. Hall stated that we cannot regulate his placement of fences, we cannot regulate his placement of buildings and we cannot regulate his agricultural operations. Mr. Hall indicated that to be doing things that are not agricultural, possibly industrial, this would be different. Mr. Hall stated that he would like to meet with the Zoning Inspector as well as the neighbor representatives and property owner to see if we could come to an informal agreement.

Mr. Hall inquired of Mr. Cunningham if he ever talked with the property owner. Mr. Cunningham stated that the property owner knocked on their door and stated that all of their stuff was on his property and wants it moved right away and added that he indicated that he (property owner) did not want to pay for a survey. Mr. Hall stated that there may be some other ways that we can address this situation; if the Board does not object, he could try to mediate, but added that he would like to be honest, if this is truly an agricultural operation, there is very little that the Board can do other than try to help make good neighbors.

Melissa Cunningham – indicated that from her understanding and from an agricultural standpoint, if you have a fruit or vegetable stand, 50% of your produce has to come from that property.

Mr. Hall stated that there is a difference between an agricultural use and a retail use but added that these are some of the things that can be discussed.

Trustee Haines briefly referenced another similar situation and also inquired of Mr. Cunningham if he knows where his property line is. Mr. Cunningham relayed brief details in this regard. Mr. Hall indicated that there are tools through the county website as well as tools through the Regional Planning website to help address property line matters.

Trustee Haines asked Mr. and Mrs. Cunningham to leave their contact information after the meeting for Law Director Hall to contact them. Mr. Hall indicated that he would try to arrange a neighborhood meeting to discuss this matter. Trustee Haines stated that he would be happy to be in attendance as well.

Mrs. Cunningham also gave brief detail regarding this matter and indicated that the parcel # in this matter is: 4318082. Trustee Haines stated that this is helpful information. Mr. Cunningham indicated that this property hasn't changed names.

Trustee DeChiara indicated to Mr. and Mrs. Cunningham that before spending money on moving things, it would be necessary to know where their exact legal pins are located.

Law Director Hall verified of Mr. Cunningham that he would be able to coordinate with the other neighbors for an informal meeting. Mr. Cunningham confirmed yes.

John Terrell, 6310 Dodge Rd. SW – Mr. Terrell stated that he and his wife, Rosemary have the same problem as the Cunningham's regarding the fence poles that this neighbor is putting in. Mr. Terrell briefly explained their concerns regarding this matter.

Trustee Haines indicated that they would do some research regarding this matter and added that they would get involved to make sure this neighbor is following the rules that should be followed.

Law Director Hall indicated that he would do some research regarding the regulation of electrified fencing and barbed wire fences adjacent to a platted residential lot.

Gwen Allen, 6330 Dodge Rd. SW – Mrs. Allen stated that she is also facing the same problems and agreed with her neighbors that the main thing that they want to ensure is to keep their children and everyone safe.

Trustee Haines stated that they are hearing these concerns and indicated that the Board will try and help assist with the things that the Board has control over. Trustee Chessler also added that what the Board can try to do is advocate through the proper resources.

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:46 pm; Seconded by Trustee Chessler.

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

Doug Haines, President

Joe Schlegel, Fiscal Officer