

**Perry Township Board of Trustees**

**Regular Meeting**

**July 5, 2016 7:00 pm**

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

**Excused absence:**

**Additions/Deletions to Agenda:**

Trustee Haines indicated that he had one addition under Agenda Item **New Business** regarding bills and payroll: for the week ending June 28, 2016, the total is off \$900.00 and should be: \$36,088.63 with the new combined total of \$271,020.88 and makes a motion to change those amounts; Seconded by Trustee Chessler.

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

**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 Haines made a motion to approve bills and payroll in the amount of \$234,932.25 for the week ending June 28, 2016 and bills in the amount of \$36,088.63 for the week ending July 5, 2016 for a combined total of \$271,020.88; Seconded by Trustee Chessler.

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

**Fiscal Officer:**

**Consider Accepting 5-17-16 Regular Meeting and 6-20-16 Special Meeting Minutes**

Trustee Haines made a motion to approve the minutes from May 17, 2016 Regular Meeting and June 20, 2016 Special Meeting with one change to the May 17, 2016 meeting minutes. Under Meredith Park Shelter Quote Agenda item wherein discussion was made regarding the Perry Township Youth Soccer Club's donation for the Meredith Park Pavilion; correction made to the name listed as Scott McCue, it

should be corrected to be Scott Baker; Seconded by Trustee Chessler as it included the amendment to the minutes.

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

Trustee Haines indicated to the Scouts present at this evening's meeting that the Board makes reference to the supporting documents of the meeting's Agenda items by way of their electronic tablets. Trustee Haines further added that instead of having approximately 60 pages of hard copies of documents for each Board member and department head, they refer to their electronic tablets.

### **Administration:**

#### **Consider Ohio Township Association Risk Management Authority Renewal**

Administrator Fetzer stated that attached for the Board's consideration is the OTARMA renewal. For the past 22 years, the Board has enjoyed the benefits, coverage and expertise of OTARMA services, a detailed list of the service providers is attached for the Board's review. Administrator Fetzer stated that the Ohio Township Association Risk Management Authority is a government risk sharing pool whose members consist solely of Ohio Townships. OTARMA was formed in 1987 as the primary purpose of managing and funding third party liability claims filed against its members. OTARMA subsequently expanded its coverage capability to include the first party property coverage. Administrator Fetzer stated that Attached before the Board are details of the township wide coverage and statement of values. The total premium contribution amount is \$167,026.00. Administrator Fetzer stated that in addition, the Board will receive the 2016 capital distribution check in the amount of \$10,320.86 in 30-60 days upon approval of the renewal. Due to conservative investment strategies and active loss and control programs, we are the recipient of that check. The renewal has been reviewed and approved by the Law Director. In addition, Attorney Greg Beck has recommended the same liability coverage as we have utilized in the past.

Trustee Haines inquired of Road Superintendent Masalko that he did not see the two lawnmowers indicated on this renewal. Administrator Fetzer indicated that they are included, but those purchases happened in the transition so they have record of that, but it is not yet listed on our statement of values; along with the two police cruisers as well. Also, Meredith Park Pavilion as soon as that structure is completed.

Trustee Chessler verified that this includes an updated list of our assets and our structures. Administrator Fetzer confirmed this was correct. Trustee Chessler also verified that Greg Beck, the attorney that regularly represents the Township has indicated his belief that this 6 million dollar limit is sufficient for our needs and our history. Law Director Hall confirmed his agreement with that.

Trustee Chessler made a motion that based on the quote that has been provided to the Board by the Ohio Township Association Risk Management Authority (OTARMA), based on the information that has been presented, based on the schedule of coverage and the other terms of the policy that we renew our

agreement for insurance coverage with OTARMA at the quoted premium of \$167,026.00; Seconded by Trustee DeChiara.

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

Trustee Chessler made a motion that when it is received, the Board accepts the Capital Distribution check in the amount of \$10,320.86 from OTARMA; Seconded by Trustee DeChiara.

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

### **Fire Department:**

#### **Consider Authorizing Fire Chief to Hire (2) Fulltime Firefighter/Paramedics (Fire Medic)**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize him to extend an employment offer for the position(s) of fulltime firefighter/paramedic (fire medic) to two qualified candidates from the current eligibility list. Chief Martin indicated that if the Board authorizes this request, he will contact the two candidates and make the offer and they will then have to go through a pension physical as well as a psychological; if there are no issues with those two examinations, Chief indicated that he will come back to the Board within the next 30 days with a recommendation to hire.

Trustee Haines verified that these two candidates have completed the recent testing. Chief Martin confirmed yes.

Trustee DeChiara verified of Chief Martin if the individuals on the list were the top two. Chief Martin indicated that they do have a list, but added that they are not ranked in any order. Chief Martin also indicated that of this list of candidates, they select who they believe are the best candidates that are most qualified for the positions.

Trustee Haines inquired how many are still on that list. Chief Martin indicated that there are five or six. Trustee Haines also inquired when the last time was that we hired full time firefighters. Chief Martin stated that it was right around December and gave brief detail regarding that hire.

Trustee DeChiara verified that the candidates take tests and get on a list of eligible people to be hired, but also inquired of Chief Martin that of this list of candidates that are not ranked in any specific order, what keeps them from filing a suit in regard to hiring procedures. Chief Martin referred to Law Director Hall.

Law Director Hall indicated that under both current statutory and case law, since we do not specifically rank them one through four, since they are all ranked equally, the Chief has discretion to recommend to the Board who he feels is the best qualified candidate to slot into (wording unclear).

Trustee Haines inquired that when a candidate does their testing, was their status ranked as either pass or not pass. Law Director Hall verified that they are not ranked in a traditional civil service ranking. Chief Martin stated that we are not civil service and we are not required to rank and we are not required

to select any certain number to take the number one candidate or anything like that, but indicated in the contract under promotions, we are required to select from one to three; but in a hiring, we are not required to do anything so we are not subject to any liability.

Law Director Hall indicated that the only potential crime would be of protecting classification; race, gender, national origin, but added that he feels that we have put in sufficient safeguards to be objectively responsive to any such concerns.

Trustee DeChiara stated that he does not know who is on this list, but added that his concern was to eliminate favoritism and/or friendships to make this process as hands off as possible. Trustee DeChiara added that if number one has a real reason why we would not hire them, he would have no problem going to number two, but indicated that he would like to have this list in some type of constructive order; if they are going to go through the work to test, they should have the courtesy to have an idea of where they are in the process.

Chief Martin indicated that they have a score, but they are not ranked and added that a score means nothing when it comes to who is a qualified candidate by any stretch of the imagination. Chief Martin also indicated that there are polygraphs that we have gone through and the results of the polygraphs, particularly the extensive history that is done by the polygraph tester could drop a candidate who had a very high score because in the application, you are not allowed to ask about criminal or drug use so we do not rank them. Chief Martin added that what we do is based on the number of factors, work performance, do they have any issues, things like that, then he indicated that he makes a determination on two candidates; a candidate could get ruled out on a psychological aspect; and he would then extend an offer to another candidate.

Trustee DeChiara stated that he wanted to verify that they are not being graded solely on how they took a written test or solely on how they performed on their psychological exam or solely on their physical agility, you are taking a mix of those. Chief Martin stated that there is a combination of things that go into the schema of the hiring of an individual.

Law Director Hall indicated to Trustee DeChiara that part of this was negotiated by the union and part of this was mandated by the Chief when we went through the process of determining who would be able to test and who would be eligible to test and added that he thinks the most fair assessment would be that all of the individuals on the list, that is now down to five or six, they are all equal, and now it is a matter of who is the best qualified to fit at this particular time.

Chief Martin stated that he has had extensive discussions with Mr. Hall as the result of the polygraphs because there were some concerns that came out of their histories. Mr. Hall indicated that there have been issues in the past where individuals looked like they were going to be the candidates to be recommended and then when they went through the polygraphs or through the psychological, they were dropped down in that process. Mr. Hall stated that as far as ranking, they (candidates) are all equal at this time.

Trustee DeChiara stated that he is coming into this process after the fact; once this group of eligibility is expired, he himself would like us to have, out of that group of people who passed, would like to see them ranked, and added that the other Board members might not feel that, but indicated that he would like to see some type of order.

Trustee Haines stated that at looking at this at that point, if when you rank those, all of that has to go into this, the psychological, the polygraph; you can't rank them based on the score alone.

Chief Martin stated that one of the hardest things to do when selecting a candidate is to determine who has the potential of staying with the organization and added that this is a genuine concern.

Trustee Chessler stated that historically with our choices as a Board for departmental representation, we have utilized a mixture of objective factors where you can measure certain things, but that cannot be the only thing; you have to have some subjectivity in there or you can wind up with a Johnny Manziel. Chief Martin indicated that in the past, under former Fire Chiefs, the flow of testing is nowhere near what we do now. Chief Martin added that this is a very fair process. Trustee Chessler added that this is not a foolproof process.

Trustee Haines stated that based on the information makes a motion that we allow the Fire Chief to extend an employment offer for a position of fulltime firefighter/paramedic (fire medic) of two quality candidates from the current eligibility list. Both candidates will be required to complete an Ohio Police and Fire Pension Board acceptable medical examination and psychological prior to a final recommendation of hire to the Board of Trustees; Seconded by Trustee Chessler.

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

### **Consider Brake Repairs Engine 11**

Fire Chief Martin stated that this is the last piece of work that needed to be done on Engine 11 which has been out of service for some time with a number of steering, brake and wheel alignment issues. Chief Martin indicated that the Fire Department is requesting that the Board authorize the payment to Dover Brake in the amount of \$2,909.70. Chief Martin stated that normally we try to get permission for expenditures over \$2,500, but made reference to the attached itemized list before the Board.

Trustee Haines verified of Chief Martin that we should be back with the mechanics and getting everything serviced in-house for the most part. Chief Martin confirmed for the most part, but added that this was something that they (our township mechanics) may not have been able to take care of because some rear portions had to be replaced. Chief indicated that when you take a 30,000 pound truck on some of the state and county roads, the alignment goes bad occasionally.

Trustee Chessler made a motion that the Board authorize payment to Dover Brake, Inc. in the amount of \$2,909.70 for the repairs listed on the itemized invoice dated June 27, 2016; Seconded by Trustee Haines.

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

**Police Department:**

**Consider Auction Request RE: 2014-09232**

Police Chief Pomesky stated that back in 2014; our police department handled a criminal case investigation for a veteran in our township (2014CR1326) wherein a significant amount of property was seized as part of the case. Based upon the outcome of the investigation, there was an arrest and conviction made in the case. As part of the case, a forfeiture order was obtained for specified property (2014M100340) to be auctioned. The court order states that the proceeds from the auction are to be deposited with the Stark County Clerk of Courts. Those monies will go toward paying restitution to the victim in the case upon completion of the auction after specified expenses are paid for as contained in the order.

Chief Pomesky indicated that included with this request is a copy of the court order for the property and an itemized list for the entire case. Chief also indicated that based upon the amount of property and the firearms that are ordered auctioned, he is requesting that an outside vendor be authorized for this auction; this will more efficiently dispose of the property. Chief indicated that we have a local auction company that is willing to auction the items at no cost in order to maximize the efforts to make the victim whole in this case. Chief Pomesky stated that he is asking for the Board's authorization to have Central Ohio Recovery facilitate this service for the Police Department.

Trustee Chessler inquired of Law Director Hall if we have the authority to dispose of the property under the strength of the court order. Mr. Hall confirmed yes and added that his concern when Chief Pomesky brought this to his attention was the firearms; adding that he did verify that the proposed auction company does have a current firearm's license in the involvement that grades the disposal of those things, so it's a one stop shop.

Trustee Haines indicated that the biggest things are the three (3) vehicles with the remainder of the items being small and miscellaneous. Chief Pomesky stated that the most difficult items would be the firearms indicating that there are two or three and gave some brief detail in that regard.

Trustee Chessler verified of Law Director hall that we are allowed to choose Central Ohio Recovery to conduct the auction for us. Law Director Hall confirmed yes and added that none of the monies come back to the Township because it all goes back to the court; we are just acting as the facilitator between the court and restitution to the victim; the police department is acting as the facilitator.

Trustee Haines made a motion that we allow the Police Department, based on the criminal case (2014CR1326) to move forward with the auction with Central Ohio Recovery; Seconded by Trustee Chessler.

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

Trustee Chessler stated if you would express our appreciation to Mr. Nicewander.

**Road and Park Department:**

### **Consider Purchase of a 2016 Ford F-250 4x4**

Trustee Haines stated that Road Superintendent Masalko thinks that we need a new vehicle because the strap that holds the driver's door shut on the 1999 Dodge pickup truck is not sufficient. (laughter)

Per Road Superintendent Masalko's memo to the Board of 6-28-16, he indicated that per his recent conversation with each Board member, he solicited a quote from Waikem Auto Group for the purchase of a 2016 Ford F-250 4x4 due to the safety issues with the Park Department's 1999 Dodge Ram 2500 4 wheel drive pick-up. Mr. Masalko indicated that the Road Department's 2005 Ford F-350 will be handed down to the Park Department as a permanent vehicle to be used at the Parks.

Road Superintendent Masalko indicated that attached before the Board are two quotes from Waikem, both quotes are fleet pricing which is better than state purchasing pricing. The first quote, #1, for \$27,112.40 is shown with all options listed along with the 45 day tag, Linex bed liner and trade value. The second quote, #2, for \$28,012.40 has the same options except for wheel liners, rust proofing, and undercoating. Road Superintendent Masalko indicated that his recommendation would be to purchase Option #2 because of the fact that we will have to utilize the services of an outside company to complete these services anyway.

Trustee Chessler inquired of Mr. Masalko if he ever expected to drive this vehicle in inclement weather. (laughter) Mr. Masalko stated yes.

Trustee Haines stated that just to share that he and Road Superintendent Masalko discussed that to save money by choosing the F-250 versus the F-350 from what is currently being utilized whereby saving money in that regard. Trustee Haines also referenced the sticker price originally being at approximately \$39,000; Road Superintendent Masalko indicated that the end price was \$36,260.

Trustee Haines inquired in regard to the old truck (1999 Dodge pickup), if this would go through the auction. Mr. Masalko indicated that the 1999 truck is considered as a trade in for the new pickup truck.

Trustee Haines verified that the trade would be for the 1999 pickup; Road Superintendent Masalko confirmed yes.

Trustee Chessler verified that the 2005 Ford F-350 will now be for the Park Department's use and the new purchase is the Ford F-250 4x4. Superintendent Masalko confirmed yes. Trustee Chessler also inquired if the new pick up has sufficient power for plowing. Road Superintendent Masalko confirmed yes as well.

Trustee Chessler made a motion that the Board authorize the Road Superintendent to complete the purchase of the 2016 F-250 4x4 vehicle from Waikem Auto Group at a price not to exceed \$28,012.40 and further authorize him to subsidize the purchase of the trade of our 1999 Dodge Ram 2500 4x4 pick-up truck.

Trustee Haines verified of Mr. Schlegel that this was for the Park Department. Trustee Chessler verified that the title will remain the same, but the Park Department will be utilizing the 2005 Ford F-350. Mr. Masalko confirmed yes.

Trustee DeChiara inquired as to the second quote and asked if that included the plow package part or was this something separate. Mr. Masalko stated that on these fleet trucks, that is going to be in there.

Fiscal Officer Schlegel stated that it is his understanding that this is actually going to be used in the Park Department also. Road Superintendent Masalko confirmed yes. Fiscal Officer Schlegel confirmed that the recommendation is that this will come out of the parks (General Fund).

Seconded by Trustee Haines.

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

**Law Director:** None.

**Zoning:**

**Problem Properties – Verbal Report from Law Director Hall**

Law Director Hall stated that as the Board knows, there has been a flurry of (zoning) emails and correspondence back and forth ever since Zoning Inspector Weckbacher retired and he wanted to begin by saying congratulations to Assistant Zoning Inspector Kraus; he really stepped up and did a nice job; he also wanted to give kudos to the administrative staff for making sure all of the procedural things that could get lost in the daily shuffle were accomplished.

**4080 Richmond St. SW** – Mr. Hall indicated that the Chambers property has been abated. Mr. Hall stated that the lawn was mowed, the junk vehicles were removed, the trash was hauled away and Mr. Chambers has stepped up and has directed by paying the towing and lawn companies. Mr. Hall indicated that Mr. Chambers showed up at the last minute and agreed to pay those costs directly.

**Faircrest** – Mr. Hall indicated that the agriculture use for the pig problem is moving forward; we have had many discussions with the property owner and she is exploring different opportunities. Mr. Hall stated that on Friday, he had Mr. Kraus prepare and then Mr. Hall served a stop order; he discussed this with the property owner and it looks like she has an acquaintance who has a farm that is appropriate to help finish the 4-H project. Mr. Hall indicated that he will be working with her, Assistant Zoning Inspector Kraus and new Zoning Inspector Cugini when he gets here on Monday to encourage her to go forward with moving those pigs out of that residential area. Mr. Hall stated that he feels this is going forward in a positive fashion.

**Dodge Ave.** – Mr. Hall stated in regard to the folks that were at the last meeting from Dodge Rd. SW and concerned about the Richville Drive agricultural use – Mr. Hall stated that he did have contact and indicated that there was a letter to that individual (property owner) confirming that he is not to put up a barb wire fence, he is not to use electrified fencing, he is using high intensive steel and he is going to



work with those concerned property owners and will actually set his fence back a little bit because he too does not want his cows to stick their head through the fence and bite a neighbor kid. Mr. Hall indicated that this property owner was very receptive to suggestions and further indicated that this matter is near to totally resolved.

Trustee Haines referenced that this property owner built a shelter on that property; Mr. Hall stated that he (property owner) is eventually going to have some cattle and some vegetables and is going to build a greenhouse with the intent of having a fruit/farm stand there which is all permissible.

Mr. Hall stated that lastly, he and Road Superintendent Masalko had some discussion today regarding the residential property maintenance code; a complaint was received where some core avenue properties are flooding their down spouts over onto Dunkeith. Mr. Hall briefly stated that he, Road Superintendent Masalko and Zoning Inspector Cugini will meet at this location next Thursday to walk through that process.

Trustee Chessler inquired of Law Director Hall in regard to several items from the last meeting of June 21, 2016 concerning the legal principle of the electrified fence. Mr. Hall confirmed a statute stating that you cannot have an electrified fence or a barbed wire fence when in a platted residential lot.

**Pine Hills Dr.** - Trustee Chessler stated that he received a call regarding the property owner on Pine Hills Dr. There is a structure at this location that is most probably not permitted and is also probably violating the set back requirements. Trustee Chessler stated that he would meet with new Zoning Inspector Cugini next week to give him detail regarding this matter.

Mr. Hall referenced that the Zoning Inspector's job is a never ending concern and gave a specific example when assisting by posting a property violation, he received several property violation complaints from the neighbor next door. Mr. Hall stated that Assistant Zoning Inspector Kraus has really stepped up with all of the zoning related complaints and added that he was sure that new Zoning Inspector Cugini will hit the ground at full speed since there are many things to address when he arrives.

Trustee Haines also thanked Law Director Hall with all of his assistance in these zoning matters.

**Executive Session(s):**

**Department Matters Not Requiring Board Action:**

**Administration:** None.

**Fire Department:** None.

**Police Department:** May Stats

**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 9<sup>th</sup> 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](http://www.perrytwp.com).

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

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:30 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