

Perry Township Board of Trustees

Regular Meeting

August 16, 2016 7:00 pm

Call to Order/ Pledge of Allegiance:

Excused absence: Joyce Fetzter, Administrator; Mark Martin, Fire Chief--Fire Chief Conference; Deputy Chief Abbott here in his absence.

Additions/Deletions to Agenda:

Public Hearings/Invited Guests:

Hearing of Zoning Case PE 02-16

Trustee Haines stated that we have before us this evening a hearing of Zoning Case PE 02-16.

Zoning Inspector Cugini stated that this case is a zone change and indicated that it is the old Kuemmerling saw company on Edgewater St. NW; there is a small building in front on Edgewater just off of Lincoln Way and there is a warehouse type of building that is in front of Pershing St. NW. Zoning Inspector Cugini indicated that Mr. Dave Black, in attendance here this evening, had made an application for a zone change for this building. Mr. Black would like to purchase this building; it is in a trust right now. These two buildings are located in an R3 Zoning District, but they were of a nonconforming use; since the buildings were vacant for more than two years, they lost their nonconforming use and they reverted back to R3 Zoning. In order to be able to use those buildings, Mr. Black had conferred with the previous Zoning Inspector and had applied for a zone change so that he could use those (buildings). The zone changes that they have come up with is the multi use overlay district.

Zoning Inspector Cugini stated that Mr. Black had applied for a zone change for both of those buildings under that zoning district. As a result of going to Regional Planning, they recommended that the building that fronts Edgewater, the zone change from multi district overlay was good, but they felt the better use for the Pershing front of the property which is the warehouse would be a B2.

Mr. Cugini stated that he went before the Zoning Commission on July 21, 2016 and they upheld the recommendation from Stark County Regional Planning to rezone the Edgewater property as a multi overlay district and rezoned the Pershing property as a B2.

Trustee Haines verified that along West Tusc., next to both of those properties are already business. Zoning Inspector Cugini confirmed yes. Trustee Haines inquired of Law Director Hall if there was anything we were missing in regard to this matter. Mr. Hall confirmed no and added that Zoning

Inspector Cugini has given a concise explanation. Mr. Hall also stated that he would add that it was a 5-0 recommendation by the Zoning Commission. Mr. Cugini stated that was correct.

Trustee Haines inquired if there was anyone in attendance tonight that wished to speak in favor of the zone change.

Dave Black – stated that he is purchasing these buildings and he would like this to move forward.

Kevin Cox– stated that he is an attorney for the Trust itself and gave a brief summary of the process regarding these properties. Mr. Cox stated that he anticipated they would be closing on these properties this week and added that he felt it would be a benefit to the township for Mr. Black to take ownership of these properties.

Trustee Haines inquired if there was anybody in attendance who would like to speak against this matter; seeing none, indicated that we would close the testimony portion and go on to Board comments.

Trustee DeChiara stated that he would love to see the property become productive again and inquired of Mr. Black if he had plans to help this property look more cosmetically appealing. Mr. Black gave a brief explanation in this regard. Trustee DeChiara stated that personally, he is interested in the physical appearance, landscaping and inquired what the thought was between the residential. Zoning Inspector Cugini indicated that the recommendation of Regional Planning was to put a buffer area in there adding that Mr. Black had agreed to that at the Zoning Commission meeting.

Trustee Chessler stated that he had a clarification; this was originally proposed as a zone change from R3 to multi district overlay; Regional Planning has made a recommendation to modify that somewhat. Trustee Chessler indicated to Mr. Black that he wanted to make sure he was aware that what is going from R3 to a multi district overlay, the property borders Edgewater and the property bordering Pershing would go to a B2. Mr. Black confirmed that this was correct. Trustee Chessler also inquired that the Board was voting on the request tonight to approve it as modified by the recommendation of Regional Planning. Mr. Black briefly relayed his initial zone change request.

Trustee Chessler stated that based on what we've heard this evening and based on the recommendation of the Stark County Regional Planning Commission and the recommendation of our Zoning Commission; makes a motion that the two parcels that are subject to this hearing, one being what we will refer to as the Edgewater property, be changed from R3 to a multi use overlay district and the property that is identified as fronting on Pershing Ave. be changed from R3 to a B2 commercial district property; Seconded by Trustee Haines.

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

Trustee Haines thanked Mr. Black for attending and thanked Zoning Inspector Cugini for all of his work.

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 \$173,439.76 for the week ending August 9, 2016 and bills only in the amount of \$114,709.48 for the week ending August 16, 2016 for a combined total of \$288,149.24; Seconded by Trustee DeChiara.

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

Fiscal Officer:

Consider Approval of Alternative 2017 Tax Budget in the Amount of \$11,570,985.02

Fiscal Officer Schlegel stated that as the Board is aware, we have this hearing every year; this is something that all of the Department Heads turned in, their budgets, to show the need for the money. Mr. Schlegel stated that this was advertised in the newspaper at least ten (10) days prior to this hearing. Fiscal Officer Schlegel stated that he would read off all the categories and noted that the Board has received a copy of the budget as well.

2017 Estimated Budget

01	General Fund	\$1,558,218.00
02	Motor Vehicle Tax	\$ 140,200.00
03	Gasoline Tax	\$ 225,400.00
04	Road & Bridge Fund	\$ 788,811.00
07	Lighting Assessment	\$ 16,553.22
09	Police District	\$3,311,307.00
10	Fire District	\$3,418,508.00
11	Road District	\$ 708,801.00
14	D.A.R.E.	\$ 6,020.00
14C	Federal Training	\$ 2,600.00
14D	Pride Money	\$ 8,153.00
15A	Police Bond Retirement	\$ 82,844.00
15B	Park Bond	\$ 45,186.80
15C	Road Bond (Note) Retire.Fund	\$ 370,125.00
22	Drug Fund	5,500.00
27	Insurance Fund	\$ 856,458.00
30	Issue 2	-0-
33	DUI Fund	\$ 26,300.00
TOTAL		\$11,570,985.02

Trustee Haines inquired if there were any questions or comments in regard to this estimated budget information.

Trustee Chessler made a motion that the Board approve the 2017 Alternative Tax Budget as it has been presented by the Fiscal Officer in the amount of \$11,570,985.02; Seconded by Trustee Haines.

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

Consider Accepting the Minutes of 06/21/16 and 08/02/16

Trustee Haines made a motion that the Board accept the minutes of June 21, 2016 and August 2, 2016; Seconded by Trustee Chessler.

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

Administration:

Consider Accepting the Stark Tusc Wayne Clean Up Grant in the Amount of \$625.00

Trustee Haines indicated that this is the grant that we get four (4) times per year and referenced that this check in the amount of \$625.00 represents the 2nd quarter 2016 Host Compost Cleanup Grant.

Trustee Haines made a motion that the board accept the Stark Tusc Wayne Clean Up Grant in the amount of \$625.00 which is one fourth of the payment; we have already received the first quarter; Seconded by Trustee Chessler.

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

Fire Department:

Consider Accepting Resignation of James Judge PT Firefighter-Paramedic

Deputy Chief Abbott stated that the Fire Department is requesting that the Board accept the resignation of part-time firefighter/paramedic James Judge effective Tuesday, August 18, 2016. Chief Abbott stated that James Judge has been a good employee for the fire department and added that he has secured a fulltime employment opportunity with the State of Ohio and is no longer able to meet the minimum requirements of the department.

Trustee Haines made a motion that the Board accept the resignation of part-time firefighter/paramedic, James Judge to be effective Tuesday, August 18, 2016; Seconded by Trustee DeChiara.

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

Consider Accepting the Resignation of Jacob Little PT Grounds Maintenance

The Fire Department is requesting that the Board of Trustees accept the resignation of part-time ground maintenance person Jacob Little; Jacob will be attending college shortly.

Trustee Haines made a motion that the Board accept the resignation of Jacob Little as a part-time grounds maintenance person effective Tuesday, August 16, 2016; Seconded by Trustee Chessler.

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

Consider Hiring Michael Riggs as PT Grounds Maintenance

Trustee Haines indicated that in reference to Chief Martin's absence this evening, makes a motion to table this matter until the next regular meeting when we would have an opportunity to discuss this matter further with Fire Chief Martin; Seconded by Trustee Chessler.

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

Police Department:

Road and Park Department:

Law Director:

Zoning:

Problem Properties ~ Verbal Status Update

216 Kolpwood NW – Zoning Inspector Cugini stated that the grass is cut, however there is an abandoned ambulance in the driveway and it remains; Mr. Cugini stated that he has asked the Police Chief to process the VIN number to find out who owns this vehicle before we start the process of having it towed from the location.

5044 W. Tuscarawas – Zoning Inspector Cugini stated that in a joint effort with the Law Director, they have tracked down the responsible parties for this referenced property. Mr. Cugini briefly indicated that this building will possibly be torn down in 45 days, alleviating a major nuisance for the township.

5601 Patrick St. SW – Zoning Inspector Cugini stated that regarding new business, we received complaints that there were chickens at this referenced property. The Assistant Zoning Inspector confirmed the chickens at the property and a letter was sent to the property owner; upon a recheck of the residence, no chickens were in sight, but another complaint was received that the chickens were being put inside the house during the day and then back outside in the evening. Mr. Cugini indicated that another letter has been mailed to the property owner to try and get this problem alleviated.

327 Lennox Ave. NW – Zoning Inspector Cugini stated that there is trash and debris at this referenced property; they have made several attempts to contact the owner, sent letters, knocked on the door, but to no avail. Mr. Cugini indicated that they will begin the process to remove the trash and debris.

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:

~3rd Annual Community Parade – Saturday, September 10th at 11:00 am and the Perry Township OKTOBERFEST – Noon to 5:00 pm at Hartwick Park.

Public Speaks-Open Forum:

Trustee Haines stated that we will ask anyone that wishes to speak to please approach the platform and state your name and address; let us know how we can help you and what your concerns are.

Chris Walton, 2944 12th St. NW – his neighbor has a pool that that has not been taken care of for over ten years. Mr. Walton indicated that this neighbor also has a dead tree in his backyard and another one that is dying so when mowing, Mr. Walton stated that he is seeing a lot of ants. In addition, Mr. Walton indicated that this neighbor has stopped mowing his grass and the weeds are chest high in the back; the back steps off his porch are also broken.

Trustee Chessler inquired if Mr. Walton knew of his neighbor's state of health. Mr. Walton indicated that his neighbor is working as far as he knew. Trustee Haines inquired what the neighbor's address is. Mr. Walton indicated that it is 2952 12th St. NW. Mr. Walton also indicated that the neighbor's dead tree in the front had fallen down and had been cut back but the remaining dead branches are heading toward Mr. Walton's house.

Trustee Haines stated that some of these matters they would be able to address, but some of them, they could not. Trustee Haines inquired of Zoning Inspector Cugini if he could take a look into this matter. Mr. Cugini indicated that typically a tree is a civil matter and referenced the property maintenance code: if there is a true threat to your home or you for a neighbor's tree (hanging or if fallen would damage your property).

Law Director Hall indicated that under the residential property maintenance code, if it is an imminent threat to persons or property. Trustee Haines indicated to Mr. Walton that our zoning inspector would stop by and if there is a mowing issue, he can address that.

Mr. Walton also made reference to a previous issue before the Board regarding 12th St. and traffic not obeying the speed signs; school is about to begin and the speed problem has just gotten worse. Mr. Walton made mention of the speed trailer previously being posted on 12th St. and stated that it (speeding) has not gotten any better and indicated that we need to do something. Chief Pomesky indicated that that they would assign more enforcement up in that area.

Dan Mauger, 228 Freeman Rd. NW, Massillon – stated that in talking with the Road Department, they indicated that the roads are assessed on a regular basis and are fixed as needed. Mr. Mauger stated that he has pictures from 2012 and 2014 that show that his road has never been fixed and it is really bad. In addition, Mr. Mauger stated that there is work being done on his road due to a water main repair with trenches across the road surface and dust and gravel creating a mess. Mr. Mauger stated that another concern is that the speed limit signs were taken down to do the water main repair.

Trustee Haines briefly explained how the passage of the road levy enabled the township to be able to have the funds for paving the township roads versus the previous micro surfacing process. Trustee Haines stated that there are 145 total miles of township roads and the cost to pave one mile of road is approximately \$75,000-\$80,000; the yearly road budget is \$450,000-\$500,000. Trustee Haines stated that we are trying to do everything we can to get caught up to a road paving cycle. Trustee Haines also explained that the plan was to pave 10 miles of road every year and then every road would have been paved in 15 years, but added that we weren't able to do actual paving for six years because there was no money to do this. Trustee Haines indicated that with the passage of the road levy, we are back on track with the paving; we were able to pave a little over 4 miles this year, but added that it is a process; we know we must look at the roads that are in most need.

Trustee Haines inquired of Road Superintendent Masalko what portion of this road the water company would repair now that the repair project was finished. Mr. Masalko indicated that the repair project was not completed, but the water company would repair only the portion that was torn up. Trustee Haines stated in regard to the speed limit signs; we can make sure that those get back up. Road Superintendent Masalko confirmed this as well.

Trustee Haines also verified that the Police Chief could reference this street to the officers and verify that the speeding signs have been down, but when they are back up, we will be able to curtail the speeding part of it. Trustee Haines indicated that once the water company repaves the repaired portion of the road, we can address the potholes. Trustee Haines thanked Mr. Mauger for his comments and stated that he could reach the Board at any time and leave a message; they would get back to him.

Carol Baker, 227 Freeman Rd. NW, Massillon – stated that her concern is in regard to the water repair; they planted her grass where they dug up from the well, but now when people are coming down the road they veer into her yard and her new grass. Road Superintendent Masalko indicated that he would go out and assess this issue.

Trustee Chessler stated to Mr. Mauger that he wanted to speak on the matter of the commentary that he saw addressed on the Facebook page regarding this paving matter. Trustee Chessler stated that he knows a lot of people in the community are thinking that a road levy was passed, but they don't see

anything happening. Trustee Chessler stated that this is only natural and added that he can sympathize with that; as Trustee Haines has stated, we are trying to allocate that money to get back on the cycle where every road gets paved every so often; it's not that your road isn't bad, but we're trying to get to the worst first, and you can't pave one here and one there; we have to mobilize a certain area of roads that are bad. Trustee Chessler stated to Mr. Mauger if he could pass that along to the neighbors with the same concerns; that we will get to those with the money and the time that we have to do it.

Trustee Chessler and Trustee Haines stated to Mr. Mauger that they appreciated his comments; Mr. Mauger thanked them as well.

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:34 pm; Seconded by Trustee Chessler.

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

Doug Haines, President

Joe Schlegel, Fiscal Officer