

**Perry Township Board of Trustees**

**Regular Meeting**

**August 2, 2016 7:00 pm**

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

**Excused absence:**

**Additions/Deletions to Agenda:**

Trustee Haines stated that he has one addition under Zoning; to set Case PE-02-16 for August 16, 2016.

**Public Hearings/Invited Guests:**

**Communications:**

**The Board Received Communication from Glenn and Jeanie Slack**

Trustee Haines indicated that the Board has received a communication/letter from Glenn and Jeanie Slack as well as a petition signed by Knights Crossing residents. Trustee Haines read aloud the letter dated 7-18-16 that is requesting an additional Stop sign be added at the intersection of Babylon and Jimmie Streets making it a four way stop in place of the current Stop sign on Jimmie Street.

Trustee Haines stated that as we all know, the Board cannot authorize Stop signs to be posted to control speed. Trustee Haines relayed that although this is not an option, inquired of Road Superintendent Masalko if there was any way that **Caution Children At Play** signs could be posted in that area. Mr. Masalko indicated that these signs are not recommended because it gives children a false sense of security. Trustee Haines inquired about speed limit signs. Mr. Masalko gave a brief explanation in that regard. Trustee Chessler inquired of Road Superintendent Masalko if that area could be surveyed to see what the recommendation would be pursuant to this matter. Trustee Chessler also inquired if the County Engineer's Office would lend any assistance in regard to the Traffic Engineer. Road Superintendent Masalko stated that he would reach out to them in this matter.

Trustee Chessler also stated that maybe we could write them a short letter stating that it may take some time to evaluate the situation and we will get back with them. Road Superintendent Masalko also relayed that the developer should be required to set speed limit signs up on the new development.

Trustee Chessler again stated that we will acknowledge that this letter has been received and may take some time to formalize a response.

**Consider Waiving Zoning Permit Fee for Perry High School Ticket Booth**

Trustee Haines gave a brief explanation of a construction project wherein a new entrance to the Perry High School stadium is being constructed. Trustee Haines indicated that the Board has received a

communication via Zoning Inspector Cugini from Mr. Simon Warstler requesting that the Zoning permit fee be waived for this project.

Trustee Chessler made a motion that based on the request the Board has received, pursuant to our own rules, that the zoning permit fee be waived for the Perry High School stadium project; Seconded by Trustee Haines.

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

**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 \$289,115.47 for the week ending July 26, 2016 and bills only in the amount of \$412,996.31 for the week ending August 2, 2016 for a combined total of \$702,111.78; Seconded by Trustee Chessler.

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

**Fiscal Officer:**

**Consider Renewing 07 Lighting District Account**

Fiscal Officer Schlegel referenced the Street Lighting Assessment for 2016, attached before the Board. Mr. Schlegel indicated that last year the Township charged \$11.55 per light. Mr. Schlegel indicated that in reference to several of the lighting districts that were recently passed, they were at \$12.00 per light. Mr. Schlegel verified that we are going to increase the fees for the lighting district from \$11.55 to \$12.00 per light. Mr. Schlegel relayed that the total went to \$17,135.40.

Trustee Chessler inquired of Law Director Hall and/or Fiscal Officer Schlegel regarding the statutory authority to make that increase. Mr. Schlegel confirmed that as long as the Board approves this.

Trustee Haines indicated that in doing so, this is for the year of 2017. Mr. Schlegel confirmed that was correct.

Trustee DeChiara inquired if the price increase was because of the electric cost. Fiscal Officer Schlegel confirmed that this is what AEP currently charges us per light; when they (AEP) puts up a new light, it is \$12.00 per light.

Trustee Haines made a motion that the Board renew the 07 Lighting District Account for one year for the year 2016 and billed in 2017; Seconded by Trustee Chessler.

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

**Consider Accepting the Minutes of 07/05/16 and 07/19/16**

Trustee Haines made a motion that the Board accept the minutes of July 5, 2016 and July 19, 2016; Seconded by Trustee Chessler.

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

**Administration:**

**Fire Department:**

**Consider Advertising for Construction Bids for Building Additions to Stations #2 and #3**

Law Director Hall indicated that he and Fire Chief Martin have been working with K.B. West Design regarding the solicitation of bids for the construction of additions at Stations 2 and 3. Mr. Hall indicated that this is the first step to put the advertisement out and added that Chief Martin has an outline for the Board regarding timelines based upon the recommendations of K.B. West Designs to move this project forward and focusing on the end of this year.

Fire Chief Martin stated the Fire Department is requesting that the Board of Trustees advertise for the solicitation of bids for the construction of additions at Stations 2 and 3. Chief Martin gave a brief explanation in regard to his proposed suggestion, upon the Board's approval, that the bids be accepted up until 4:30 pm on Tuesday, September 6, 2016 and then opened at 7:00 pm on Tuesday, September 6, 2016. Chief Martin also indicated that he is requesting the Board to make a determination on how long we would allow a contractor to complete that project.

Trustee Chessler referenced the project for the construction that was previously done for the Police Department and indicated that we had included a provision for liquidated damages. Trustee Chessler stated that as we go, we can process what circumstances prevail and then decide if we want to waive that and inquired of Chief Martin if that was his preference. Mr. Hall stated that we can build that into the actual contract. Chief Martin relayed that the project manager has assured that he will expedite that process.

Trustee Chessler verified to Chief Martin that in the event there were delays due to weather or unforeseen circumstances then we would have the power to waive it. Trustee Chessler stated that this is just a tool along the way to do that.

Trustee Chessler inquired of Law Director Hall if these were bid as one project or both projects. Mr. Hall indicated that these were set up as two separate projects.

Trustee Haines indicated that we will need to make a motion of when they will be received; when they will be opened, the Ohio Revised Code and when our deadline dates are. Mr. Hall stated that he felt we could put a hold on the deadline date until after we get the bids back and we will have a pre-award meeting with those responsible bidders.

Trustee Haines made a motion that the Board go out to bid on those two fire stations, Station 2, Station 3 and that bids will be received at the Perry Township office up until 4:30 pm on Tuesday, September 6, 2016; the bid openings will be Tuesday, September 6, 2016 at 7:00 pm and bid notifications will comply with Ohio Revised Code 505.376; bids on fire and ambulance district contracts. Bid notice will be published in the newspaper of general circulation and on the Perry Township website; Seconded by Trustee Chessler.

Trustee DeChiara inquired if the same contractor will do both. Trustee Haines stated that Law Director Hall indicated that these are two separate bids. Trustee Chessler added that they possibly could be, but not necessarily. Trustee Haines stated that it is more likely than not that they would be the same. Trustee DeChiara inquired if these (Station 2 and Station 3) would be done at the same time or separately. Chief Martin indicated that the recommendation of the project manager was written exactly the way it is; that he believes that it is better to bid them that way and then when you look at the bids, you make a determination on which way you want to go at that point in time.

Law Director Hall stated that he wanted to add that as he and Trustee DeChiara were briefly talking prior to the start of this evening's meeting, the bids, according to statute, go to the lowest responsible bidder, not necessarily the lowest bidder. Mr. Hall added that you may have a low bidder for both projects, but then you have to determine if that contractor has the manpower, equipment and financial resources to do both projects simultaneously; this is why the design purpose recommended to go with separate bids.

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

### **Police Department:**

#### **Consider Lexipol Agreement**

Police Chief Pomesky stated that the Police Department is requesting that the Board of Trustees consider accepting the Lexipol Agreement for use of subscription material which includes; Law Enforcement Policy Manual & Daily Training Bulletins, Supplemental manual(s) and the implementation of the Fast Start Program (Law Enforcement). The Police Department will receive a \$1,000.00 discount for signing up for multiple services for the first year only; a copy of the agreement as well as a Lexipol overview, attached before the Board. The total cost for Lexipol is \$7,535.00.

Trustee Haines inquired of Chief Pomesky if we have to pay the start up fee also. Chief Pomesky referenced the \$3,000.00 one-time fee and confirmed that we do not. Trustee Haines verified that would be waived. Chief Pomesky indicated that we do not need that service.

Trustee Chessler inquired of Law Director Hall with reference to the confidentiality terms of this agreement and indicated that we cannot agree to blanket confidentiality; it has to be subject to our obligations under the fire law. Trustee Chessler also indicated that he does not like agreeing that we would pay the other party the attorney fees if we are not the prevailing party. Trustee Chessler referenced that the agreement is governed by the laws of the State of California. Law Director Hall indicated that we would make those line-throughs before we signed the final agreement and added that

this has been a pretty standard practice for this Board for many years. Trustee Chessler referenced that he did not see anything with indemnity in there as well.

Trustee Chessler stated that subject to those requested provisions to Exhibit B, makes a motion that the Board approve the agreement for Lexipol at a cost not to exceed \$7,535.00; Seconded by Trustee DeChiara.

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

#### **Consider Accepting the Resignation of Zack Bergmann**

Police Chief Pomesky stated that the Police Department is requesting that the Board of Trustees consider accepting the attached resignation of Zack Bergmann to be effective on July 19, 2016. Chief Pomesky stated that Zack was very gracious to come back to the Township to help us in a time of transition at the Maintenance Garage. Chief stated that Zack did a great job for us and added that we wish him the best of luck in all of his future endeavors.

Trustee Haines made a motion that the Board accept the resignation of Zack Bergmann to be effective of July 19, 2016; Seconded by Trustee Chessler.

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

#### **Road and Park Department:**

##### **Consider Oneida Drainage Complaint**

Road Superintendent Masalko stated that several years ago the Road Department had received several complaints on Oneida NW in the allotment of Northwest Hills about pipe failure that was installed back in the 1930's. Mr. Masalko indicated that it has taken several attempts to have the Commissioners and the County Engineer to recognize this as a county storm easement. The County Engineer's office has agreed to look at the problem and make recommendations to the Commissioners and perform the work providing that the Township purchases the pipe; the pipe consists of 220 feet of 36 inch plastic Hancor smooth wall pipe at \$27.20 per foot, equaling \$5,984.00. Road Superintendent Masalko also indicated that the Township would be responsible for the drive aprons that are damaged in the process. Mr. Masalko relayed that if it would be an asphalt drive apron, the township can handle that, but if it is concrete, we would have to hire out to have it done; map of Northwest Hills Allotment attached before the Board.

Trustee Haines verified that the 220 feet of pipe is only going to run along Oneida, along the one property. Road Superintendent Masalko confirmed that was correct. A brief discussion regarding this storm easement matter followed.

Fiscal Officer Schlegel inquired of Law Director Hall if this was a legal expenditure for Perry Township or a county one. Mr. Hall indicated that if the Board approves this, it would be a cooperative agreement and there is a statute that authorizes that.

Trustee DeChiara referenced the Northwest Hills Allotment map before the Board and verified of Road Superintendent Masalko of the highlighted area in yellow as being the entire length of road regarding this matter. Trustee Haines referenced the map as well indicating the area/length of pipe.

Trustee Chessler stated that based on the information that our Board has tonight with the request that we received from the County Engineer's Office to enter into a joint drainage project and also that the Road Superintendent said it will benefit the drainage of Township roads, makes a motion that the Board approve the expenditure of \$5,984.00 for the purpose of buying approximately 220 feet of 36 inch plastic Hancor smooth wall pipe at the quoted price of \$27.20 per foot; Seconded by Trustee Haines.

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

**Law Director:** None.

**Zoning:**

Trustee Haines stated that we will address the Addition to this evening's Agenda to set Case PE-02-16 for 8-16-16.

Zoning Inspector Cugini stated that we ask that the Board hear and vote on that on the next meeting of August 16, 2016.

Trustee Chessler made a motion that the Board set for hearing the case denominated as PE 02-16 and set that for hearing before the Board of Trustees on Tuesday, August 16, 2016 at 7:00 pm or as soon thereafter as the Board may address this matter; Seconded by Trustee Haines.

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

**Problem Properties ~ Verbal Status Update**

Trustee Haines inquired of Zoning Inspector Cugini if there were any verbal status updates on any problem properties in the Township.

Zoning Inspector Cugini stated that before he talks about problem properties he would like to update the Board on what's happening in the Zoning Department. Mr. Cugini stated that as the Board knows, this is his fourth week here at Perry Township and as most new employees do, they come into an office and they look at all the office procedures and try to implement things that will help and make things better; one of the things that I really looked at is the nuisance properties and how do we deal with those types of things to get a solution to the complaints. Mr. Cugini stated that he is happy to announce that after two weeks of seeing how we do things, he implemented a procedure that after the first letter is sent to a homeowner for a nuisance complaint, if we don't hear anything or see any progress, we are coming to your home to talk to you. Mr. Cugini stated that he feels that it is important to get in front of somebody and talk to them about whatever problem they have and it is really something because that is what he and Assistant Zoning Inspector Kraus have done. Mr. Cugini gave an example of a family of five wherein the husband works midnights and the wife works afternoons and they don't have time; but

through us working with them and talking with them, I am happy to say that we have made some success. In talking with another gentleman who works six days a week and is in remission from cancer, I'm happy to say that we are making progress, he has removed five of the ten cars off of his lot and has cleaned up some trash and debris, so we are making progress and will continue to do so. Mr. Cugini stated that another thing he is happy to report is on 4080 Richmond SW – this is Mr. Red Chambers' property. Mr. Cugini stated that he had the pleasure of talking with Mr. Red Chambers last Friday and added that this is his own personal residence; it was in shambles. Zoning Inspector Cugini stated that after ½ hour conversation with Mr. Chambers is happy to report that Assistant Zoning Inspector Kraus drove by there today and everything is cleaned up and the grass has been mowed and is impeccable. Mr. Cugini stated that in that half hour conversation with Mr. Chambers, he relayed that he had enough notices from the Township to cover his whole house. Mr. Cugini stated that we are making progress and we are going to continue to do so and we want our citizens to know that we care and if there is a problem and they can't take care of the nuisance and may need some time and somebody to work with them, we are here to do that; we also want them to know that we need to have some teeth in our bite; if we send the letter and we say we're going to do it, we're going to do it. Mr. Cugini stated that he is happy to report that to the Board.

Zoning Inspector Cugini stated that in regard to the problem properties:

**327 Avis Ave. NW** – A notice was sent to this address on 2-16-16 for junk and debris; again we received another complaint and a second notice was sent on 7-25-16. Assistant Zoning Inspector Kraus drove by this property yesterday and no progress had been made. There was also a failed attempt to talk to the homeowner; we will be sending out somebody to clean up the debris and will bill the homeowner.

**216 Kolpwood NW** – Mr. Cugini stated that this is another property that he believes is vacant, but added that a notice was sent in regard to high grass and a junk vehicle in the driveway. Assistant Zoning Inspector Kraus drove by today and nothing was done. There was also a failed attempt to try and contact the owner, so we will contact our legal representative tomorrow to find out how we can get the junk vehicle out and will also send someone out to mow the grass.

**308 Highland SW** – Mr. Cugini stated that this is another problem property; it is a home that has a reverse mortgage on it and the owner passed away. It is in limbo and there is nobody to take responsibility for it. Mr. Cugini stated that we have cut the grass, however, he stated that he visited the property and Trustee DeChiara had spoken to the neighbors and he went out and also spoke with the neighbors; there is trash and debris all over the place. Mr. Cugini stated that he is happy to report that the clean up started today.

**507 Leonard SW** – High grass. No responses from the letters and a failed attempt to contact the owner. We have already sent somebody out to cut the grass.

**5044 W. Tuscarawas** - Zoning Inspector Cugini stated that he will be contacting Law Director Hall tomorrow to deal with a commercial building at this address. Mr. Cugini relayed that these are three properties east of Perry Dr. on W. Tuscarawas and across the alley from Feist Hardware. Mr. Cugini stated that a neighbor called about this address and he went out to investigate this today and added

that it is really bad, the walls are bowing and is structurally unsafe. The front door was open, the floors are caved in, the walls are bowing, the roof is caved in so we definitely need to do something to take care of this.

Trustee DeChiara inquired of the Township's legal authority to make an order to the Building Department for a building to be condemned. Law Director Hall stated that we can request the Building Department to come out and we can request the Health Department for an assessment or we can coordinate through the Fire Safety Inspectors.

Trustee DeChiara indicated that the woman who owns that property has been dead for two years and inquired if there was a way, since they are behind on taxes, that the Township could force a sheriff's sale. Law Director Hall stated that we can petition the court to be appointed as the receiver for that property and we can ask the Board to ask the County Treasurer to step up and do a Tax Foreclosure process through the county. Trustee DeChiara stated that this problem is not going to go away. Mr. Hall indicated that he would look into the receivership question.

**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:**

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

~Ohio Division of Liquor Control notice to legislative authority – Walgreens Co. DBA Walgreens 5122 W. Tuscarawas Street Perry Twp., Canton, Ohio 44708. Request for B STCK 9357941-94101. Responses must be postmarked no later than 08/29/16.

**Public Speaks-Open Forum:**

Trustee Haines stated that any member of the public may speak on matters not on the agenda at this time and relating to Township affairs. All questions and comments must be directed to the Board and



not to any individual department heads. Each person addressing the Board may refrain from making personal, slanderous or profane remarks to any member of the Board, staff or general public. Please step up to the podium and state your name and address.

David Kerestes, 3500 Lincolnway East, Apt. 4 – Mr. Kerestes stated that what he is here for today is when looking into the zoning resolutions, he referenced the occupancy permit wherein it describes to seek a certificate of conformance which states that a permit is required through the zoning inspector for a change of use of all businesses and industrial businesses. Mr. Kerestes referenced all these buildings that are opening up and down this bi-way; Two Fat Guys opened up three times and the rest of these establishments, is wondering why they're not paying for that Certificate of Conformance. Mr. Kerestes briefly indicated that it may not be a lot of money, but it is our money.

Law Director Hall indicated that typically we will note if a person doesn't come in to receive a zoning permit, then we contact them and inform them that they have to do this so we are aware of who is operating what type of business. Mr. Hall gave a brief explanation in this regard and added that we will work with the Zoning Inspector and Assistant Zoning Inspector to make sure that this is taken care of.

Mr. Kerestes stated that another thing he wanted to address was regarding temporary signage and referenced that any temporary sign is not supposed to be closer than 15 feet to pavement edge; referenced Executive Event Center and what he believes are violations and dangerous situations in and around there that need to be addressed.

Zoning Inspector Cugini stated that he has looked into these matters regarding the zoning resolution and in regard to several of Mr. Kerestes' points of reference and indicated that they are well within the law.

Angela Demos – Ms. Demos indicated that she is a Jackson Township resident and added that she is here with her daughter, Sophia who is attending Central Catholic High School and participating on the tennis team. Ms. Demos stated that the condition of the tennis courts have several safety issues and added that she has taken some pictures for reference. Ms. Demos stated that some of the issues with the courts include a variety of cracks, leaning fencing as well as the gaps between the playing surface and the fencing. Ms. Demos relayed that she understands that it is very expensive to resurface, but relayed that the girls have a hard time playing when their footing is compromised because of the surface cracks and fence gapping as well as the uneven surface gaps. Ms. Demos stated the safety reasons are her primary concern. Ms. Demos stated that she has contact information regarding the guards that would go around the fencing as well as relaying that another possible solution would be to use the tennis courts at Perry High School, but that would mean the expense of renting those courts.

Trustee Haines stated that they would look at this and added that there is a lot that comes to mind as to ways to handle this situation. Trustee Haines indicated that regarding the tennis courts next to Perry High School, they have the same kind of lease with the Township. Trustee Haines indicated that there is not a lot of money in our park budget and also relayed that we do not have a township park levy. Trustee Haines stated that Central Catholic owns the property where the tennis courts are located and the township basically leases this property at no cost just to maintain them; Central did not want to maintain this back at a time when they had a strapped budget. Trustee Haines also relayed that Central

Catholic has updated items on this lease, most recently, a cost of \$5,000.00 for an outfield fence on the softball field. Trustee Haines stated that he doesn't know if Central Catholic would possibly be willing to partner in regard to this matter.

Ms. Demos inquired if the tennis courts at Central Catholic were part of Perry's park system. Trustee Haines confirmed yes and explained that the Township maintains this and added that this comes out of the Township's General Fund and the General Fund takes care of the parks since there is no park levy. Trustee Haines stated that he cannot tell Ms. Demos that our Township General Fund is now healthy and fat, but we are maintaining at this point.

Trustee Chessler referenced these same type of concerns that had been addressed regarding the Perry High School courts and explained that our Board determined at that time that we felt spending taxpayer's money for the benefit of the general public allowed us to have these tennis courts to a level for recreational play. Trustee Chessler indicated that there are more expectations in regard to competition play.

Ms. Demos stated that she did not feel that the courts at Central Catholic were functional and safe. Trustee Haines stated that they would do some homework and see what they could come up with.

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:49 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