

Perry Township Board of Trustees

Regular Meeting

September 20, 2016 7:00 pm

Call to Order/ Pledge of Allegiance:

7:00 pm – Opening of Road Striping Quotes

Trustee Haines stated that we have the opening of Road Striping Bids scheduled tonight. Trustee Haines referred to Fiscal Officer Schlegel to open and list those quotes.

Fiscal Officer Schlegel inquired if there was anyone in the audience that wished to submit a bid. Seeing none, Mr. Schlegel opened and read aloud the three (3) quotes submitted:

- | | |
|-------------------------------|-------------|
| 1. J.D. Striping | \$21,863.20 |
| 2. Oglesby Construction, Inc. | \$25,884.82 |
| 3. A & A Safety | \$24,958.50 |

Trustee Chessler made a motion that the Board acknowledge that the bids have been submitted and formally received and will be referred to the Law Director and Road Superintendent to make sure they are in compliance with the bid specifications; Seconded by Trustee DeChiara.

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

Excused absence: John Masalko, Road Superintendent ~ Chris Young, Assistant Road Superintendent here in his absence.

Additions/Deletions to Agenda:

Trustee Haines stated that we missed one thing on the Agenda and offered his apologies; we received a letter from Adam Reiger asking for a Step 2 Grievance and added that we have to set a date for that.

Trustee Haines stated that he is asking for an addition to the Agenda under Fire Department to set a hearing date regarding the Grievance from Mr. Reiger. Trustee Haines confirmed of Law Director Hall if this was the correct procedure. Mr. Hall stated that was correct and added that under the contract, you have 30 days to do that; to apply for a meeting in October.

Trustee Haines made a motion to have that Step 2 Grievance for the first meeting in October 4, 2016; Seconded by Trustee Chessler.

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

Public Hearings/Invited Guests:

Scott Beatty, Perry Local School Superintendent ~ Presentation

Trustee Haines stated that Mr. Scott Beatty, Perry Local Schools Superintendent is with us this evening and would like to share some good news and plans that the school is venturing to take. Trustee Haines also welcomed the school board members attending tonight.

Superintendent Beatty stated that he would like to introduce Mr. Doug Brown, School Board President and Board Member, Mrs. Kelly Osborn and added that he appreciates them being here this evening. Mr. Beatty also extended his thanks to the Board of Trustees for allowing him to make this presentation at tonight's meeting.

Mr. Beatty stated that one of the things that the Board of Education had expressed to him when he first got here was that we were all in this together, as a school board, with the Trustees of the Township, Police, Fire; we all have to have a common vision. Mr. Beatty stated that they were here this evening to share what steps they would like to take and what they are hoping to do to move forward for our district and added what he thought would have a huge impact on our community as a whole. Superintendent Beatty gave a brief explanation as to the genesis regarding the expansion project for the Perry Local School District as well as a detailed explanation along with a power point presentation before the Board.

The Board expressed their affirmation of the expansion project presented this evening.

Mr. Beatty stated that he appreciated the Board giving them the time to come and speak. The Trustees extended their thanks as well.

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 in the amount of \$38,822.71 for the week ending September 13, 2016 and bills and payroll in the amount of \$297,636.04 for the week ending September 20, 2016 for a combined total of \$336,458.75; Seconded by Trustee Chessler.

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

Fiscal Officer:

Consider Accepting the Minutes of 09/06/16

Trustee Haines made a motion to accept the minutes of September 6, 2016; Seconded by Trustee Chessler.

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

Administration:

Fire Department:

Consider Two (2) Year Service Agreement with Zoll Medical

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the Fire Department to enter into a 2-year extended warranty service/maintenance agreement with Zoll Medical Corporation on the three (3) Autopulse devices owned by the department; the extended warranty not to exceed \$6,825.75 for the two year period. Chief indicated that as he had outlined in his memo to the Board, this would provide free repairs and some additional services including a loaner if one of them should break with free shipping along with that as well as some discount on some supplies that go along with that. Chief Martin stated that unfortunately, they use the device more than they would like to and as a result of that, occasionally things will go wrong with it; to be able to have this type of warranty is a very good purchase.

Trustee Haines inquired how old the devices were. Chief Martin confirmed that they got them approximately 2 to 2 ½ yrs. ago. Chief added that when they got the cardiac monitor in 2014, that is when the Zolls were also purchased.

Trustee Chessler made a motion that the Fire Department is authorized to proceed with the purchase of the two year extended warranty service/maintenance agreement with Zoll Medical Corporation on our three (3) Autopulse devices. The cost of this warranty is not to exceed \$6,825.75 for the two year period; Seconded by Trustee DeChiara.

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

Police Department:

Consider Renewal of Polygraph Services Agreement with Stark County Sheriff's Office

Police Chief Pomesky stated that the Police Department is requesting that the Board of Trustees consider accepting the agreement for "Polygraph Examination Services" between Perry Township and the Stark County Sheriff's Office. A copy of the agreement is attached before the Board. Chief Pomesky indicated that all of the terms are the same as in the past with the Sheriff's Office and added that it is a great service to have.

Trustee Chessler made a motion that based on the information provided by the Police Chief, that we renew our agreement for Polygraph Examination Services with the Stark County Sheriff's Office pursuant to the terms outlined in the written agreement for a one (1) year period commencing August 1, 2016; Seconded by Trustee DeChiara.

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

Consider 2016 Department Property and Evidence Auction

Police Chief Pomesky stated that the police department is in possession of department property and evidence/recovered property which needs to be auctioned. Attached before the Board are the auction sheets and photos documenting the property to be sold. Based upon the number of items to be sold, Chief Pomesky stated that he is requesting that some of these items be posted on the GovDeals website for auction and some items, that may not be as cost effective, to be posted for sale sent to an outside auction site. Chief Pomesky indicated that while the approximate values are marked on the auction sheets, the property needs to be sold to the highest bidder as we no longer have the room to store these items.

Chief Pomesky indicated that the quotes from Skipco and Central Ohio Recovery Incorporated Auto Auction are attached before the Board. Based on these quotes, Chief stated that he would recommend using the services of Central Ohio Recovery Incorporated Auto Auction to assist with auctioning the property.

Chief Pomesky stated that in speaking with Fiscal Officer Schlegel, because the auction is including items seized through cases, there is a need to track where the items are sold and the money is deposited from the auction so the proper money is deposited in the Law Enforcement Trust Fund. Chief Pomesky indicated that there were two separate binders for this auction; one is for department property and the other is for property and evidence.

Trustee Haines verified that for the GovDeals auction, it would be for all the vehicles and more expensive items such as gaming machines. Chief Pomesky stated that was correct. Chief Pomesky indicated that there were several other items such as a mini bike and tools which would be better suited for GovDeals.

Trustee Chessler inquired if this would include the evidence. Chief Pomesky confirmed that it would include departmental property and the property and evidence that have been accrued through cases.

Trustee Chessler verified that Chief Pomesky had the proper court orders that establish that those items can be sold. Chief Pomesky confirmed that was correct and added that the only items that are in the property and evidence are those specified in the court orders through the common pleas.

Trustee Chessler made a motion that we authorize the Police Chief to proceed with the auction, part of which will be conducted on GovDeals and part of which will be conducted through Central Ohio Auto Auction and leave it to the Chief's discretion to determine which items will go where to fetch the best price and that we also make the determination here as a Board that those items that are not part of the evidence are court ordered items; the Board determined they are no longer necessary for Township purposes; Seconded by Trustee DeChiara.

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

Road and Park Department:

Consider Accepting the Resignation of Seasonal Part-Time Zach Roberts

Trustee Haines stated that at the last meeting, we had resignations of two part time employees and indicated that this is the last casual employee that is also done for the season. Trustee Haines stated that Road and Park Superintendent Masalko has requested the Board to take Zach Roberts off of the payroll.

Trustee Haines made a motion that the Board accept the resignation of casual part time employee, Zach Roberts from the park department effective today, September 20, 2016; Seconded by Trustee Chessler.

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

Law Director:

Indigent Burial Request

Trustee Haines indicated that this next Agenda item is something unusual; Trustee Haines stated that typically when we have an indigent burial request, we handle it at the time of death. Trustee Haines referred to Law Hall Director Hall regarding this matter.

Law Director Hall indicated that Attorney Tom Musarra was here this evening with an indigent burial request before the Board.

Attorney Tom Musarra, 4367 State Road, New Franklin, Ohio 44319. Mr. Musarra introduced himself and indicated that as the Law Director in New Franklin, he is also experienced with the indigent burial process. Mr. Musarra stated that he understands more than most how the state budget has been balanced on the backs of the political subdivisions, but is here this evening with a request for monies on behalf of family friend, Miss Trish Gruno. Mr. Musarra gave a brief summary of Trish Gruno's brother, Jason Gruno who was murdered on Christmas Day, 2015 in Perry Township. Mr. Musarra also indicated that he knows Chief Pomesky was familiar with this matter since he has met and worked with Trish in the prosecution of the individual that was responsible for her brother's death. Mr. Musarra stated that he thinks the Chief would confirm that Trish and the family assisted in any way they could with that prosecution and cooperated.

Mr. Musarra stated that Trish claimed her brother's body, had him cremated, had a service and went through that whole difficult experience; a bill from Paquelet Funeral Home attached before the Board. Mr. Musarra stated that they are not asking for the full amount indicated on the bill and added that he certainly understands the limitations, but added that at the time that Trish claimed the body, Jason Gruno would have been qualified as indigent under the statute 9.15. Mr. Musarra stated that Trish Gruno would have been considered indigent as well and gave a brief summary in that regard. Mr. Musarra stated that Trish Gruno does not make enough to meet the 150% of the Federal Poverty level.

Mr. Musarra stated that Trish was encouraged during the criminal process to file a claim for the burial expenses and others with the Ohio Victim's Fund and she did so. Mr. Musarra stated that Ms. Gruno has been waiting for the determination regarding this matter and approximately a month ago received a notice of denial. The request was denied since her brother had a felony of non-support of dependents within the last ten (10) years which made him ineligible, as well as his family, to receive any victim's funds.

Mr. Musarra stated that he is here this evening to ask for the Board's consideration to refund some of these monies to Ms. Gruno. Mr. Musarra referred to the invoice from Paquet and indicated that Ms. Gruno had purchased a package deal that she paid for with her limited funds. Mr. Musarra referred to a breakdown of the invoice from Paquet in the terms of what portion of this was for the cremation; approximate amount of \$1,400.00. Mr. Musarra stated that they would greatly appreciate whatever consideration the Board could give Ms. Gruno.

Trustee Chessler relayed to Law Director Hall that previously the Board had extensively discussed and revised the procedure regarding indigent burials and further inquired if we had established a schedule of payments or maximum amount. Law Director Hall stated that he did not think that there was an amount that was specifically set but added that he would reference the resolution made by the Board regarding indigent burial matters. Mr. Hall stated that his understanding was that it was on a case by case basis, but added that typically, as Mr. Musarra knows regarding Franklin County, we do not want to leave deceased individuals 'out on the streets' who are without final arrangements. Mr. Hall indicated that legislature has deemed that it is not a county problem, but would be the responsibility of the city or township.

Law Director Hall further explained our Township procedure wherein any indigent burial request arrangements are made through the Board by way of the cemetery sexton by using the lowest of three (3) quotes for cremation services. Mr. Hall stated that the cost is typically in the range of \$600 - \$900 for the cremation with the cremains interred in the Richville Cemetery. Mr. Hall stated that this is when no person has claimed the decedent's body and there is no family to step up as Ms. Gruno has. Mr. Musarra also relayed that New Franklin has set a policy wherein there is a set price range of \$750.00 regarding an indigent burial; this is the max for which they will disburse for a cremation.

Trustee Chessler confirmed of Fiscal Officer Schlegel that in regard to budgeting, expenses such as indigent matters, there is no way to know in December what we may encounter in that coming year. Mr. Schlegel stated that we look at how much we have spent in the past few years and then budget accordingly. Mr. Schlegel confirmed that we have budgeted approximately \$2,000 for this year.

Trustee Haines indicated that in the past four years, we have had approximately three or four indigent burials and have buried them at the Richville Cemetery. Mr. Hall stated that without doing a formal survey confirmed that we receive approximately one indigent request per year.

Trustee Haines inquired of Law Director Hall that since this cremation has been in the past, does this still fit all of the requirements for a Township. Mr. Hall indicated that it is within the discretion of the Board.

Trustee Chessler stated that to further our discussion and based on the circumstances involved and the Board's review with our legal advisor and within our discretion makes a motion that the Board reimburses to Trish Bruno the amount of \$750.00 for the cost of cremation for an indigent death incurring in the Township.

Trustee Haines stated that he will second that with discussion. Trustee DeChiara stated that he felt that this would be a generous thing to do and added that if the decedent didn't have any family at all, the Township would be responsible for the burial in the long run. Trustee Haines confirmed that as well.

Trustee Chessler inquired of Mr. Musarra how the Board can be assured, if the Board approves this, the money would go toward the burial expenses. Mr. Musarra stated that Ms. Gruno had previously paid the funeral invoice and further indicated that the check should be made out directly to her.

Mr. Hall stated that he would make certain that Fiscal Officer Schlegel has this for reference in the minutes and indicated that Mr. Musarra has provided us with a September 15, 2016 itemized invoice indicating that payment had been made.

Trustee Haines confirmed for reference that Mr. Gruno was living in the residence on Linway at the time of his death. Mr. Musarra confirmed this.

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

Zoning:

Consider Request of Derrick Everett

Trustee Haines stated that we have a request from Mr. Derrick Everett and referenced the emails the Board has received regarding this matter. Mr. Cugini stated that he would like to read the request and give a brief history of the events that happened. Mr. Cugini read aloud the email from Mr. Derrick Everett regarding 4511 Surmay Ave. SW, Canton that was received of the Township general email on September 8, 2016.

Zoning Inspector Cugini relayed that this particular property was torn down through the Moving Ohio Forward program by way of our office with the previous zoning inspector. Mr. Cugini stated that this has always been a problem property and added that it went to tax sale. Mr. Cugini indicated that we have always maintained this property and have put many assessments on this property; a lot of them were paid. Mr. Cugini stated that in 2014, we did three mowings through the year and did our actual annual assessments for mowing that occurred in 2014 and it came before this body and was approved to put the assessments on. The assessments did not get sent to the auditor's office until 2015 but it didn't really hit until the tax assessment of 2016. Mr. Cugini stated that the taxes were not assessed to the tax bill until February 2016. Mr. Everett purchased this property early in 2015 therefore it was never indicated that there were assessments on his property taxes.

Mr. Cugini stated in speaking with Stark County Auditor, Alan Harold and two of his staff, these assessments would have been relinquished because at a tax sale, the properties are conveyed free of

liens and encumbrances. Mr. Cugini stated that if the assessments were on there at the time of sale, they would have been wiped out. Since they were assessed to the property later, the only way they can be removed is from Board approval.

Law Director Hall confirmed this and added that this is not like a sheriff's foreclosure sale where we get a portion of the money back. Mr. Hall explained that the other thing that we have corrected; there is a deadline that deem these assessments must be filed with the Auditor's Office in November of each year. Even though the Board has approved this in September, because of delays within the office, it did not get sent there on time.

Zoning Inspector Cugini stated that the charges are \$1,050.00 and the actual money spent was \$600.00; the other money, \$450.00 are the zoning office fees. Mr. Hall stated that as the Board will recall, we charge for the mowing plus there is a zoning fee. Trustee Haines stated that the right thing to do is to waive the fees and make sure we are held accountable that it doesn't happen again. More discussion took place regarding this matter.

Trustee Chessler made a motion that based on all the information that we have received tonight, including the request from Derrick Everett, that the Board authorize the Law Director to take the steps necessary to notify the Stark County Auditor's Office that we will waive and withdraw our previously certified pleadings on this property; those liens that were submitted on Parcel #435575 on three (3) different occasions for an amount totaling \$1,050.00; those occasions being June 9, 2014; July 2, 2014 and August 21, 2014; Seconded by Trustee Haines.

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

Problem Properties

Trustee Haines inquired of Zoning Inspector Cugini if there was anything to report regarding problem properties; Mr. Cugini stated there was nothing to report.

Executive Session(s):

Department Matters Not Requiring Board Action:

Administration: None.

Fire Department: None.

Police Department:

Submission of August Monthly Statistics

Road Department: None.

Parks/Recycling: None.

Zoning: None.

Law Director: None.

Upcoming Events:

~Trustee Haines confirmed that per Police Chief Pomesky, on Saturday, September 24, 2016 from 10 am to 2 pm, National Prescription Drug Take Back Day – Location: Marc’s Plaza-Levin Furniture. Look for the Perry Township Police Department’s Special Response Unit.

Public Speaks-Open Forum: None.

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 8:00 pm; Seconded by Trustee Chessler.

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

Doug Haines, President

Joe Schlegel, Fiscal Officer