

Perry Township Board of Trustees

Regular Meeting

May 1, 2018 7:00 pm

Call to Order/ Pledge of Allegiance:

Eliot J. Berger – Veteran Pledge

Trustee Chessler relayed that in the continuing tradition of inviting a member of our armed forces to lead us in the Pledge of Allegiance, welcomed Eliot Berger, County Veterans Services Officer here with us tonight. Trustee Chessler gave a brief summary of Mr. Berger's dedicated service in the United States Marine Corps from 2010 to 2015 and indicated that Mr. Berger has served with the Stark County Veterans Services Commission since August 2016.

On behalf of the Board, Trustee Chessler presented Mr. Berger with a flag/display case as a token of appreciation for his dedicated service. Mr. Berger thanked the Board and indicated that it was an honor to be here this evening.

Trustee Chessler indicated that there was one housekeeping matter here; the Board has received, by email, a request to utilize Hartwick Park Pavilion overnight on June 23, 2018; this request comes to the Board from the Massillon Amateur Radio Club. Trustee Chessler indicated that the Board had a very brief discussion after the last regular meeting regarding this matter and further stated that he felt there was a need to further understand the nature and extent of this request. Trustee Chessler indicated that though he felt the Board would look favorably upon it, made a motion that this matter be tabled for further consideration and requested the Law Director to draw up a written memorandum of understanding to set forth any security, clean-up and other arrangements for the use of the park on an overnight basis; Seconded by Trustee DeChiara.

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

Excused absence: Doug Haines

Additions/Deletions to Agenda:

Public Hearings/Invited Guests:

Recognition of Dale Lake's 30 Years of Service – Retirement

Recognition of Harvey Zimmerman – 13 Years of Service

Trustee Chessler indicated that we have two long-standing personnel of the Perry Township Road Department that the Board would like to recognize this evening. Trustee Chessler stated that Harvey Zimmerman was not here tonight but would like to recognize Dale Lake and his 30 years of service. Trustee Chessler indicated that they went back into the archives a little bit and brought forth the

minutes from April 1, 1988 wherein a motion was made to hire Dale as a full-time assistant mechanic on the Road Department; Trustee Chessler stated that they also wanted to give Dale his application of employment, a memorable and still impressive relic from 30 years of dedication and outstanding service to the Road Department and to the citizens of Perry Township. Trustee Chessler indicated that Dale has seen and experienced many changes in Perry Township over the last 30 years, however, some things never change such as the way the supervisors, co-workers and friends would describe Dale as always being reliable, trustworthy and a man of his word.

On behalf of the Board, Trustee Chessler thanked Dale for his dedicated service and presented him with a small token and memento of appreciation/service award and wished him many happy and healthy years in his retirement. Dale gave a brief summary of how many changes have occurred over these 30 years and expressed his sincere thanks.

Trustee Chessler stated that Harvey Zimmerman is not one to seek or accept the spotlight and has chosen not to be here this evening but would like to recognize his 13 years of dedication and outstanding service to the Road Department and to the citizens of Perry Township. On behalf of the Board, Trustee Chessler stated that they would like to pass along a token of appreciation/service award to Harvey and gratitude for his 13 years of service.

Consider Motion to Approve/Deny Case PE01-18

Trustee Chessler indicated that the Board will be hearing a Zone Change Request this evening and further indicated that he would read into the record the necessary notice and announcements: this approval was a proposal submitted by Waikem Properties LLC; it involves property that has a street address of 222 Zern Ave. SW, Massillon, Ohio; the property involved is currently an R-3 Single Family, Duplex and Four Family Residential property; the proposal is to change it to B-2 Commercial. The legal description of the property is 28WHArthurKayWilliams Allotment #1.

Trustee Chessler indicated that as happens in all zone change requests, it was referred to the Stark County Regional Planning for review; that was done on March 6, 2018; it was received back from the Stark County Regional Planning after their consideration on April 6, 2018; their recommendation was approval. Trustee Chessler indicated that this matter was set for public hearing before the Perry Township Zone Commission on April 19, 2018; the legal notice was published on April 10, 2018 and the notices were sent to affected property owners on April 6, 2018.

Trustee Chessler indicated that the Perry Township Zoning Commission conducted their hearing and on a 3 to 1 vote, recommends approval, so this matter now comes as a recommendation for approval to the Perry Township Board of Trustees for a hearing tonight of May 1, 2018. Our notice of publication was published April 21, 2018 and the notices were sent to the property owners on April 21, 2018.

Trustee Chessler stated that a representative of the Applicant of Waikem is present this evening and as we do in all of these cases, will ask this representative if he would like to make his comments in favor of the zone change.

Doug Waikem, Applicant in this case; Mr. Waikem gave a detailed explanation in regard to Waikem's zone change request.

Trustee Chessler indicated to Mr. Waikem that he has demonstrated the history and meeting objections of the surrounding neighbors on Zern Avenue and felt that Waikem has been a good neighbor in all efforts to address the zone change request as well as drainage and lighting issues in the past. Trustee DeChiara agreed and briefly stated his appreciation for all that Waikem has done and is continuing to do to rejuvenate the highway (Lincoln Way).

Trustee Chessler inquired if there was anyone present who wished to speak in favor of the zone change. Seeing none, Trustee Chessler inquired if there was anyone present who wished to speak against the zone change; seeing none, Trustee Chessler indicated that this portion of the zone hearing would close and stated that he would echo the comments from the Stark County Regional Planning Commission to the zoning commission. Trustee Chessler stated that he would note that their Stark County 2040 Comprehensive Plan indicates this hearing will progress as commercial land use along the Lincoln Way Corridor with developed urban area extending to the south; they also noted that the recommendations considered that off-street parking lots are permitted uses in an R-4 district, but this will also provide a buffer for the adjacent single-family homes; Trustee Chessler added that the way the plot is configured, it provides a natural buffer because there's a street to the south, and will provide both a visual barrier and the barrier for the buffer zone.

Trustee Chessler stated that our zoning commission also echoed the comments of the Regional Planning Commission and they voted to recommend to this Board their approval as well.

Trustee Chessler made a motion that the Board of Trustees adopt the recommendation of the Perry Township Zoning Commission and approve the change of the subject lot of land from R-3 to B-2 Commercial; Seconded by Trustee DeChiara.

ROLL Call: Mr. Chessler, yes. Mr. DeChiara, yes.

Communications:

Consider Sign Request of Joe Whitmer

Trustee Chessler indicated that the Board received, by email, a request from Joe Whitmer on April 24, 2018 to the Perry Township Board of Trustees. Trustee Chessler indicated that Mr. Whitmer is a resident of Stevie Avenue SW and is requesting to have no parking signs placed on Stevie Avenue for child safety reasons. Mr. Whitmer relayed that when there are vehicles parked on the street curbs, it blocks the view for the children entering the street and also the driver of the vehicle to see a child who may be entering onto the street.

Trustee Chessler indicated that this Board has entertained requests before but stated that he would ask both the Road Superintendent and Police Chief to go out in the 4600 block of Stevie SW and share back with the Board their observations and where, if appropriate, any of our concerns should be. Trustee Chessler indicated that he would like this to be an agenda item for the upcoming May 15th meeting.

Consider Spring Valley Road Request from Ryan and Jacy Patton

Trustee Chessler indicated that this matter is also an April 25, 2018 email from Jacy Patton of Spring Valley Avenue NW regarding conditions of traffic causing concerns from a safety standpoint; the

conclusion of this request stated that they would greatly appreciate the Township's guidance in setting up a plan to block the Spring Valley and 12th Street intersection into the neighborhood. Trustee Chessler indicated that the Board has previously heard similar requests regarding this matter and added that the Board is quite hesitant to undo the creation of a public road that gives access to a neighborhood. Trustee Chessler stated that he would again ask both the Fire Chief and Police Chief to take a look at this intersection and share back with the Board. Trustee Chessler indicated that the Board can then form an addendum of not only their requests, but any alternatives that there may be. Chief Pomesky relayed that a speed assessment was done in this area in 2017.

Trustee Chessler indicated that we can again address this matter at the upcoming May 15th meeting. Trustee Chessler asked Administrator Fetzer if she would please respond back to the Patton's; Administrator Fetzer confirmed that she would.

Public Speaks on items up for Board Approval: None.

Township Business requiring Board Action: None.

Unfinished Business: None.

New Business:

Trustee Chessler made a motion to approve bills in the amount of \$145,840.28 for the week ending April 24, 2018 and bills and payroll in the amount of \$228,238.29 for the week ending May 1, 2018 for a combined total of \$374,078.57; Seconded by Trustee DeChiara.

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

Fiscal Officer:

Consider Accepting the April 3rd and 17th Meeting Minutes

Trustee Chessler made a motion that the Board approve the meeting minutes from April 3, 2018 and April 17, 2018; Seconded by Trustee DeChiara.

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

Administration:

Consider CareWorks Comp Group Rating Program

Administrator Fetzer indicated that the Township has completed our cycle with the Workers Comp Retrospective Rating Program and are currently eligible for the 2019 Workers Compensation Traditional Group rating at a service fee of \$7,541.00. Administrator Fetzer relayed that a traditional group rate is determined (expected) claims cost vs. payroll; the Traditional Group Rating Program is sponsored by the Ohio Township Association. For Townships, the only group discount programs are available through the OTA (Ohio Township Association) and CareWorks Comp.

Administrator Fetzer indicated that Perry Township is currently participating in all available BWC Programs which provide the Township with the maximum savings possible and allow us to continue

receiving rebates, projected discount of 48% and annual group premium savings of \$42,360.00 savings overview attached before the Board.

Trustee Chessler referred to the CareWorks analysis and premium for our coverage in the amount of \$59,388.00 and verified the represented savings of \$42,360.00. Administrator Fetzer indicated that was correct.

Trustee Chessler made a motion that the Board authorize payment of its premium to our Bureau of Workers Compensation premium for the coming year, \$59,388.00 and also authorize the payment to CareWorks in the amount of \$7,541.00 as the payment for the services they provide for the Administrator program; Seconded by Trustee DeChiara.

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

Consider Resuming Locking of Park Restrooms Dusk to Dawn

Trustee Chessler indicated that the Board had before them a copy of minutes from a prior meeting of May 3, 2016 and asked Administrator Fetzer to please give some background information regarding this matter.

Administrator Fetzer referenced the May 3, 2016 meeting minutes before the Board and indicated that at that time frame, the police department would help us lock the restrooms in the evening and unlock the restrooms in the morning. Administrator Fetzer stated that somewhere along the way, that fell off the radar and we have been experiencing some incidents of vandalism in the (park) restrooms. Administrator Fetzer relayed that Meredith Painting has power scrubbed and painted the park restrooms at Summerdale and Perry Park and since then, the restrooms have remained locked the last couple of days until the Board was able to give direction to the Police Department for their assistance again.

Trustee Chessler inquired of Police Chief Pomesky if the Police Department was willing and able to perform these duties regarding the park restrooms. Police Chief Pomesky stated yes. Trustee Chessler stated that he did not feel that a motion or formal action was needed but stated that the Board would ask the Chief to have the officers unlock the restrooms and make them available for the summertime events.

Trustee DeChiara relayed that the unlocking time may fluctuate a little bit day to day depending on how busy the Police Department was. Chief Pomesky inquired of Road Superintendent Masalko if the keys they had were still current; Road Superintendent Masalko confirmed yes.

Fire Department:

Consider Decision of IAFF Step II Grievance

Trustee Chessler indicated that the Board, at its last regular meeting, convened in Executive Session at the request of the Grievant to consider a request regarding training and scheduling. Trustee Chessler inquired of Law Director Hall if he could please recap his evaluation and recommendation to the Board on this matter.

Law Director Hall gave a brief explanation of the grievance and indicated that the Fire Chief has recommended that this grievance be denied. Mr. Hall indicated that they are asking that the affirmation of the Chief's denial be accepted by this Board.

Trustee Chessler verified of Chief Martin that for the record, he (Chief Martin) was not in that Executive Session but had submitted his comments and recommendation; Trustee Chessler stated for the record and inquired if he was standing by those comments. Fire Chief Martin confirmed yes. Trustee Chessler indicated that a matter he focused on was that the contract allows the Chief to exercise the vast amount of discretion in scheduling.

Law Director Hall stated that both he and Chief Martin had suggested to the union through the local that this is more an issue for negotiation collective bargaining which will come up this fall; and that this was another basis for their recommendation of denying the grievance affirming the Chief's denial.

Trustee Chessler stated that based on that discussion and our prior Executive Session to hear the grievance makes a motion that the Board accept and affirm the Fire Chief's recommendation to deny the grievance as submitted of our union; Seconded by Trustee DeChiara.

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

Police Department:

Road and Park Department:

Law Director:

Zoning:

Problem Properties

Consider Motion to Approve Five (5) Mowing Contractors for 2018

Trustee Chessler stated that the Board has a memo that details an application and supporting documentation received from five (5) grass mowing contractors to be added to our rotation in 2018:

- Gino's Lawn Service
- Invision Landscaping
- Marcelli's Lawncare
- Northeast Ohio Property Services
- Tuff Turf Lawncare

Trustee Chessler verified of Zoning Inspector Cugini that these documents have been reviewed; Mr. Cugini confirmed that they have been reviewed by Law Director Hall. Mr. Hall verified that they all have records of insurance and Worker's Compensation Certificate. Trustee Chessler verified that if the Board approves all of the submitted contractors, they would be on a rotating basis and will be assigned as in years past. Law Director Hall confirmed yes.

Trustee DeChiara indicated that there was some conversation regarding two of the above-mentioned companies being semi-connected to employees of the Township. Trustee DeChiara indicated that

personally he does not like doing business with relatives, but added that in this case, felt that it was a harmless endeavor and did not see any problem with it. Law Director Hall also made confirmation as to Trustee DeChiara's assessment.

Trustee Chessler made a motion that the contractors identified in the memo to the Board which was captioned 2018 Grass Mowing Contractors Rotation List; that those contractors be approved and accepted into the rotation for the coming year for services that are needed at the rate of \$40.00 per hour; Seconded by Trustee DeChiara.

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

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.

Announcements:

~Perry Township Community Events: Perry Rotary Patriots Parade (11 am) and Patriots in the Stadium-- Live Entertainment, Funkology -- www.funkologycleveland.com - Saturday, May 26th from Noon to 4:00 pm. Details at www.perrytwp.com

~Operation Flags of Freedom – Memorial Day Weekend; Visit www.operationflagsoffreedom.com

~The Perry Township Fire Department HERO 5K Run/Walk – Monday, Memorial Day, 8:30 am Perry High School – Registration at www.ohiochallengeseries.enmotive.com

Public Speaks-Open Forum:

Dennis Curry, 3408 Roanoke St. NW – Mr. Curry stated that his concern was with the house next door to him that caught on fire and asked who is responsible for this and what the time frame would be to getting this taken care of.

Trustee Chessler shared with Mr. Curry that from some information given, it was Louis Wardkin that owns the above-stated property; Mr. Rick Hickson was the one person who claimed to be an owner, but he is deceased and does not own the property.

Law Director Hall indicated that we have taken a judgment against both Mr. Hickson and Mr. Wardkin and the court has assessed the fine and some costs of our cleanup of this property of last year. Mr. Hall indicated that he would file a show cause motion and bring it into Court to explain to the Judge what they have not done and when they're going to do it and then there will be a court order.

Trustee DeChiara inquired if we can get to the point of repair and demolish with this judgment. Law Director Hall relayed that we would specifically be seeking an order for that but added that the problem with this is that it can become costly.

Zoning Inspector Cugini relayed that the Zoning Department is keeping an eye on this property as well in regard to keeping the grass cut if necessary.

Joe Maio, 1036 Norwich – Mr. Maio indicated that he was again here about the flooding issues in his backyard. Trustee Chessler explained to Mr. Maio that Road Superintendent Masalko had gone out to his property to examine and evaluate this situation and indicated that the Township did not have the responsibility nor the resources to do storm water drainage, this is a county responsibility. Mr. Maio stated that he felt that the Township should be responsible for maintaining drainage.

Law Director Hall relayed that he could forward a copy of the change in law regarding drainage ditches from 1983. Mr. Maio verified that he then has to take this up with the county. Trustee Chessler confirmed yes. Mr. Hall indicated that he would get the change in law information to Mr. Maio. Mr. Maio gave more extensive explanation regarding his water issues but indicated that he would take this to the county and inquired if he would go to the county road department. Trustee Chessler relayed that the commissioners have an online form for submittal.

Adjournment:

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

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

Craig Chessler, Vice President

Joe Schlegel, Fiscal Officer