

Perry Township Board of Trustees

Regular Meeting

June 5, 2018 7:00 pm

Call to Order/ Pledge of Allegiance:

Mark Eklund ~ Veteran Pledge

Trustee Haines welcomed Mr. Mark Eklund here this evening to lead us in the Pledge of Allegiance. Trustee Haines gave a brief summary of Mr. Eklund's three years of dedicated service in the United States Army.

On behalf of the Board, Trustee Haines thanked Mr. Eklund for being here this evening and presented him with a flag/display case as a token of appreciation for his dedicated service to our country. Mr. Eklund stated that his time in the Army was interesting and relayed that if anyone has ever been outside of the United States, they know how well they have it. Mr. Eklund thanked the Board for having him here tonight.

Excused absence:

Additions/Deletions to Agenda:

Trustee Haines indicated that he had one addition to the Agenda this evening under Road Department to add the Elmbreeze Project; Seconded by Trustee Chessler.

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

Public Hearings/Invited Guests:

Communications:

Opening of 2018 Paving Program

Trustee Haines stated that we have the asphalt bids for the road paving that were set to open at 7:00 pm tonight and indicated that he would turn this over to Fiscal Officer Schlegel to open and announce the bids for the 2018 paving program.

Fiscal Officer Schlegel inquired if there was anyone in the audience that wished to turn in a paving bid, seeing none, indicated the following submitted bids:

Company	Total Bid Amount
Northstar Asphalt – Bid Bond	\$591,633.00
Superior Paving – Bid Bond	\$536,639.00
Central Allied – Bid Bond	\$558,850.00

Trustee Chessler made a motion that the Board table these bids and refer them to the Road Superintendent and Law Director for further review and recommendation at the earliest possible time; Seconded by Trustee DeChiara.

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

Consider No Parking Signs on Rowford and Drainage Concerns at the Request of Elizabeth Stoner

Trustee Haines stated that the Board received a communication from Elizabeth Stoner, 611 Edgewood Avenue SW to consider no parking signs on Rowford Avenue SW as well as drainage concerns in her backyard and adjoining neighbors.

Trustee Haines read aloud Mrs. Stoner's request regarding parking on both sides of the street on Rowford Avenue SW indicating that this would make it difficult for fire trucks to get through. Trustee Haines thanked Chief Martin and Deputy Chief Abbot for reviewing this matter.

Trustee Haines relayed that the second part of Mrs. Stoner's communication was in regard to the drainage behind her home at 611 Edgewood Ave. SW and the adjoining neighbors. Trustee Haines indicated that Mrs. Stoner has stated that it takes a long time for any water to recede from these backyards even though there is a drainage grate on Harsh Avenue; the water is unable to get to the drainage grate. Trustee Haines also thanked Road Superintendent Masalko for going out to investigate and take photographs.

Trustee Haines inquired of Law Director Hall if he could relay these findings to Mrs. Stoner regarding these two issues. Mr. Hall stated that he would coordinate with Chief Martin and Road Superintendent Masalko and confirmed that he would direct a letter to Mrs. Stoner.

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 \$271,445.47 for the week ending May 22, 2018 and bills and payroll in the amount of \$333,340.63 for the week ending May 29, 2018 and bills in the amount of \$26,352.53 for the week ending June 5, 2018 for a combined total of \$631,138.63; Seconded by Trustee Chessler.

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

Fiscal Officer:

Administration:

Consider Accepting the OTARMA Renewal in the Amount of \$167,574.00

Administrator Fetzer stated that it was time again for the OTARMA renewal and asked for the Board's consideration and approval to renew the Ohio Township Risk Management Authority premium in the amount of \$167,574.00.

Administrator Fetzer relayed that for the past 27 years, the Board has enjoyed the benefits, coverage and expertise of the OTARMA service providers, a detailed list of OTARMA service providers and Township-wide coverage and statement of values attached before the Board; and is a governmental risk-sharing pool whose members consist solely of Ohio Townships. In addition, Administrator Fetzer relayed that the Board will receive a 2018 Capital Distribution check in the amount of \$10,232.93 from OTARMA due to conservative investment strategies, an active loss control program and a positive claims experience. Administrator Fetzer stated that the Board also enjoys the benefits of the MORE Program grant in the amount of \$500.00.

Administrator Fetzer stated that the renewal has been reviewed and approved by Law Director Hall; in addition, Attorney Greg Beck has recommended the same liability amount of \$6,000.00 as in past years.

Trustee Chessler stated that based on the information the Board has received, made a motion that the Board approve renewing our agreement with OTARMA and authorizing the payment of the prescribed premium in the amount of \$167,574.00; Seconded by Trustee DeChiara.

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

Consider Purchasing Welcome to Perry Township Signs and Installation

Administrator Fetzer indicated that the Board has reviewed a variety of styles and materials for consideration of replacing the currently dilapidated Welcome to Perry Township entrance signs.

Administrator Fetzer referred to the sign specs designed by Sign Makers, dba Sign Pro of Canton, attached before the Board, for fifteen (15) Perry Township entrance signs and detail attachments in the amount of \$16,977.00; a twenty-year warranty on the coverage and five (5) of those fifteen (15) signs would have the opportunity to have free accolades printed on the bottom. Administrator Fetzer indicated that the new signage has an estimated 20-year life span. Administrator Fetzer also relayed that the Board ultimately makes all reasonable efforts to conduct Township business within our own Township; unfortunately, with this unique project, no local sign companies have the ability to create the signage design requested.

Trustee DeChiara verified that this would be a General Fund expenditure; Trustee Haines confirmed yes. Trustee Haines inquired if we had a completion date on this. Administrator Fetzer indicated that Sign Pro was confident that they would be able to complete this within six to eight weeks, completely installed.

Trustee Haines made a motion that the Board enter into a contract with Sign Makers, LLC dba Sign Pro of Canton for the design of fifteen (15) Perry Township entry signs not to exceed \$16,977.00, coming out of the General Fund with a six to eight-week completion time with the deposit required of \$10,848.31; Seconded by Trustee DeChiara.

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

Fire Department:

Consider the Purchase of Large Diameter Supply Fire Hose

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the purchase of large diameter 5-inch supply hose from Fire Force, Inc. in Columbiana, Ohio at a cost not to exceed \$11,970.00. Chief Martin indicated that several years ago, the Fire Department purchased a quantity of large diameter 5-inch supply hose to equip Engines 11 and 21 and would now like to replace the supply hoses on Tower 17 and Engine 31; 2000 feet of five-inch large diameter hose with Storz Couplings and 6-25' sections of five-inch hose. Chief Martin indicated that Fire Force was the lowest of the quotes obtained.

Trustee Chessler made a motion that based on the information presented by the Fire Chief and the request for purchase that the Board authorize the purchase of the requested 5-inch supply hose from Fire Force, Inc. at a cost not to exceed \$11,970.00 based on the quote that they have provided; Seconded by Trustee DeChiara.

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

Police Department:

Road and Park Department:

Consider Hiring Road Maintenance Specialist – Louis Emanuel

Road Superintendent Masalko stated that the Road Department is asking for the Board's approval to hire a Road Maintenance Specialist/Assistant Mechanic, application for Louis Emanuel attached before the Board. BCI background check indicated no BCI convictions, driver's license background check also clear; starting rate of pay will be \$17.89 after the passing of a drug and alcohol test; rate of pay will increase to \$20.13 after the probationary period and after 18 months, will receive the Assistant Mechanic pay rate of \$22.37.

Trustee DeChiara inquired of Road Superintendent Masalko if this hire would complete his mechanic needs? Mr. Masalko confirmed yes. Trustee Chessler stated that he noted that Mr. Emanuel lives in Salem and inquired if there was any discussion with him as to whether that would be a hardship. Road Superintendent Masalko indicated that he did have discussion with Mr. Emanuel about this and he (Mr. Emanuel) stated that he would be moving to Louisville so that would be a closer response for him.

Trustee Haines made a motion that the Board hire a Road Maintenance Specialist and Assistant Mechanic Louis Emanuel and he has completed his BCI background check and has had no BCI convictions; his starting rate of pay would be \$17.89 after he has passed a drug and alcohol test would be his hire date; after his probationary period is up, he will go to \$20.13, and after 18 months, he will receive the Assistant Mechanic pay rate of \$22.37; Seconded by Trustee Chessler.

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

Consider Hiring Part-Time Seasonal Employee – Tevion Cleveland

Road Superintendent Masalko stated that the Road Department is asking the Board to consider adding Tevion Cleveland as a part-time seasonal employee for the Park Department at \$10.50 per hour, not to exceed 1500 working hours within a year; his driving record was checked and has no violations. Road Superintendent Masalko stated that the park department is in need of another part-time employee and would like to recommend that the Board hire Tevion Cleveland to start as soon as possible.

Trustee Chessler stated that based on the information we have made a motion that the Board hire Tevion Cleveland as a part-time seasonal employee for the park department at a pay rate of \$10.50 per hour, not to exceed 1500 working hours within the year to start on June 6, 2018; Seconded by Trustee Haines.

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

Elmbreeze Project

Trustee Haines indicated that Law Director Hall has been involved in the meetings regarding this project and asked if he would please share the updated information with the other Board members.

Law Director Hall referenced the Elmbreeze project and indicated that earlier today, the county engineer and hydraulics engineer were at this location to view the project and recommended to Road Superintendent Masalko that two (2) sections of about 40 feet of the pipe be removed and this area be established as a swale. Mr. Hall relayed that the involved property owners had agreed with this project as well. Law Director Hall indicated that Road Superintendent Masalko stated that the Road Department could remove those two (2) twenty-foot sections and the finish grade and seeding would then need to be completed. Mr. Hall also indicated that with the Board's permission he would approach the City of Massillon concerning this matter; they were partners in this project initially, to see if they would consider making some financial contribution towards the mediation of those concerned regarding this project.

Law Director:

Consider Resolution Concerning OTARMA Claim

Law Director Hall referenced two resolutions regarding this matter and stated as the Board is aware, there is an EEOC (Equal Employment Opportunity Commission) claim that is pending and referenced the OTARMA service providers mentioned earlier this evening. Mr. Hall stated that there was a provision in the policy that says the Board can reserve the right to consent or have final say in any proposed settlement offer, but we have to notify them that the Board wants a consent. Mr. Hall stated that he had prepared a written resolution and asked for the Board's approval of this resolution. Upon approval, Mr. Hall stated that he would take care of that notification to the insurance company.

Trustee Chessler stated the resolution that you have made the deals with notifying OTARMA with our preference to require prior written notice with claim that you settled without the Board consent, I will make a motion for discussion purposes that we adopt that resolution; Seconded by Trustee DeChiara.

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

Trustee Haines referenced the second part of this resolution. Law Director Hall indicated that there is a proposal for mediation this Friday in Cleveland at 10:00 am; the Claimant's attorney has made a demand that is in the opinion of our insurance company and in his as well, outside the scope of any reasonable claim, did not think that it was a good-faith approach toward mediation. Mr. Hall stated that he is recommending and is asking the Board to pass the resolution to withdraw consent to mediation and let this matter run its course through the litigation process.

Trustee Chessler indicated that he received a detailed email from their counsel late this afternoon and further stated that he thinks the mediation should go forward unless the Plaintiff decides to cancel. Trustee Chessler relayed to Law Director Hall that the Board could give him the authority to withdraw from the mediation after consultation with their counsel. Law Director Hall indicated that he would attend the mediation as the Board's counsel and representative and would report back to the Board.

Zoning:

Problem Properties

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:

Public Speaks-Open Forum:

Randy Brown, 6024 Faircrest SW, Canton, Ohio 44706 – Mr. Brown indicated that the zoning board allowed his neighbor to put up a fence that is actually two (2) feet on his (Mr. Brown's) property. Mr. Brown stated that he was here to find out what recourse he would have regarding this.

Zoning Inspector Cugini gave a brief explanation as to the current property dispute among Mr. Brown's neighbors. Mr. Cugini indicated that Mr. Brown and neighbor Mr. Jones have two conflicting property surveys. Zoning Inspector Cugini indicated that he has been advised by the Law Director to consider this as a private civil matter.

Mr. Brown also gave a brief explanation as to his property survey from 1995 wherein it designates his property pins. Law Director Hall indicated that the Township Zoning Department was not equipped to

litigate or to adjudicate property line disputes. Mr. Hall further relayed that Zoning Inspector Cugini has shared with him that basically there are two surveys, one that shows that the neighbor's fence trespasses onto Mr. Brown's property and the second survey indicates that it does not trespass. Mr. Hall stated that as far as the Zoning Department was concerned, when Mr. Jones came in with his permit request and survey, it seemed to meet the zoning requirements and the permit was issued, but at this point, it becomes a private property dispute.

Trustee Chessler relayed that if a decision would be made indicating that Mr. Brown's survey was correct, he could come back to the Zoning Department to have the other permit revoked; Law Director Hall also confirmed this and added that if a court order was issued regarding this matter, they would issue a stop order to remove the fence.

Mr. Brown inquired which court he would need to contact. Trustee Chessler indicated that it would be the Common Pleas Court; Law Director Hall confirmed that this would be a county (Stark) court matter.

Mr. Brown expressed his thanks to the Board.

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:40 pm; Seconded by Trustee Chessler.

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

Doug Haines, President

Joe Schlegel, Fiscal Officer