

# **Perry Township Board of Trustees**

## **Regular Meeting**

**May 15, 2018 7:00 pm**

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

### **Excused absence:**

### **Additions/Deletions to Agenda:**

### **Public Hearings/Invited Guests:**

### **Recognition of PHS Speech and Debate State Champs**

Trustee Haines welcomed Perry High School Speech and Debate Coach Kathy Patron and 2018 Ohio Speech & Debate Association State Student Champions here this evening. Trustee Haines stated that on behalf of the Board, he would ask fellow Trustee and Perry Speech & Debate alumni, Trustee Chessler, to hand out certificates of recognition tonight.

Trustee Chessler asked Coach Patron to please join him in doing so and briefly recalled the six categories within the program that were available when he was involved with Speech and Debate. Trustee Chessler stated that even in the mid-seventies, Perry had the reputation throughout the state of Ohio as being top notch. Trustee Chessler stated that he believes the students involved in Speech and Debate develop the skills and confidence that will benefit them greatly in college years and whatever they do in life. On behalf of the Board, Trustee Chessler stated that he wanted to congratulate each member for all they have chosen to do and especially for their achievements this year; and asked if they would please step forward and be recognized.

Leah Moore - United States Extemp  
Zach Ferko - Student Congress  
Jason Cindia - Public Form Debate  
Kail Boughman - Public Form Debate  
Jacob Messman - Policy Debate  
Jacob Hervey - Public Form Debate  
Nick Loew - Policy Debate  
Isaac Abrego - Policy Debate  
Rebekah Stone - Program Oral Interpretation  
Emily Glovas - Program Oral Interpretation  
Madeline Brand - Original Oratory  
Taylor Anthony - Original Oratory

Robert Hohman - Lincoln Douglas Debate  
Nick Forchione - Lincoln Douglas Debate  
James Condo - International Extemp  
Hannah Marino - Informative Speaking  
Gavin Friedrichsen - Informative Speaking  
Breanna Petitti - Humorous Interp  
Alyssa McGraw - Dramatic Interp  
Elizabeth Sailer - Declamation  
Justin Blythe - Policy Debate  
Reid Kennedy - Duo Interpretation  
Bradlee Thompson

Trustee Chessler asked Mrs. Patron if she would please give a recap of their season; Mrs. Patron gave a brief recap and relayed that Perry had 42 state qualifiers and 3 individual state champions this year. Mrs. Patron also wanted to introduce and recognize Assistant Coaches Kevin McDougal, Shaun Keane and Garth Woodson, here this evening, and John Weaver, Karen Zimmer, Melody Woodson and Justin Woody who were not able to be here tonight. Mrs. Patron stated that each member of the team were

incredibly hard workers and stated her sincere appreciation to the Board for taking the time to invite them here tonight to be recognized. Coach Patron stated that Perry had more national qualifiers from any other Stark County school, any other school in eastern Ohio and wanted to relay that 9 students would be attending the National Forensic League Speech & Debate Tournament in Fort Lauderdale, Florida on June 16<sup>th</sup> through the 23<sup>rd</sup> and asked the students here this evening to please stand.

Trustee Haines again thanked Mrs. Patron and the students for being here tonight and indicated that the Board would take a brief recess at this time.

---

### **Brief Recess**

---

#### **Communications:**

##### **Consider No Parking Signs on Rowford SW at the Request of Elizabeth Stoner**

Trustee Haines referenced his absence from the May 1, 2018 meeting and inquired if this matter was discussed at the meeting; Trustee Chessler confirmed that it was not and indicated that this was a new communication. Trustee Haines briefly read a request from Mrs. Elizabeth Stoner, 611 Edgewood Ave. SW, regarding an adjoining neighborhood street, Rowford SW and described what she and her neighbor considered to be an issue regarding the parking on both sides of this street. Mrs. Stoner indicated that parking on both sides of this street makes traveling through this area dangerous as well as indicating that they did not feel a fire truck would be able to get through.

Trustee Chessler stated that he would ask the appropriate department heads to take a look at this area and share back with the Board.

##### **Consider Permission to Chalk at Hartwick Park**

Trustee Haines relayed that the Massillon YMCA is doing a summer guidance project with their young members and are requesting permission to draw motivational chalk messages, temporary graffiti, at the Hartwick Park walking path. Trustee Haines stated that he thought it would be fine to grant that request but relayed that some type of temporary signage indicating this program would be taking place should be displayed to eliminate any possibility of constant graffiti there. Trustee Chessler and Trustee DeChiara both confirmed their agreement regarding this request and signage placement at Hartwick Park.

##### **Response to Sign Request of Joe Whitmer**

Trustee Haines indicated that this request from Mr. Whitmer was in regard to placing No Parking signs on Stevie Avenue to address child safety. Trustee Chessler stated that both the Road Superintendent and Police Chief provided memos and gave direction as supporting documents that relayed they did not feel this was an advisable move. Trustee Chessler asked Road Superintendent Masalko if he would send a letter to Mr. Whitmer advising him of the Board's decision. Mr. Masalko confirmed yes.

Trustee Chessler indicated that Road Superintendent Masalko also provided the Board with a photograph wherein a resident posted signage in the 4600 block of Stevie Avenue that states 'please

drive slowly we love our children' mounted on a township speed sign pole. Trustee Chessler stated that he did not think we should get in the practice of ignoring or allowing unauthorized signs on our traffic poles; we should thank them and politely remove and return the sign to its owner.

#### **Response to Spring Valley Road Request from Ryan and Jacy Patton**

Trustee Haines indicated that the Board received a request from Ryan and Jacy Patton to consider closing Spring Valley Street at the 12<sup>th</sup> Street intersection regarding conditions of traffic-causing concerns as well as homes near that intersection that have been affected by crime.

Fire Chief Martin gave a brief explanation and indicated that from a fire safety standpoint, this proposed closing would delay the fire department's ability to respond in that area so their recommendation would be to not block that intersection.

Police Chief Pomesky indicated that they looked at this request from a crash perspective and stated that in an effort to address the neighborhood concerns, they have added this area to their active patrol list for officers to be in this area more often.

Road Superintendent Masalko stated that from the Road Department's perspective, it would be tough for their guys to do any kind of salt and snow removal; they would have to back up that hill or find somewhere to turn around so their recommendation would be to not block that intersection.

Trustee Chessler indicated that the Board has never adopted or subscribed to the policy of giving up access of the public to streets and neighborhoods once it's been established and stated for all those reasons we should let them know that the suggestion would not be favorably looked upon.

Trustee Haines indicated that he would respond to this email request of Spring Valley.

#### **Consider MOU Response to Request of Perry Ballinger**

Trustee Haines indicated that the Board received a request from Mr. Perry Ballinger of the Massillon Amateur Radio Club to be able to use Hartwick Park for a 24-hour annual test of portable emergency radio communication readiness called "Field Day". Law Director Hall confirmed that Mr. Ballinger had sent this request to the Board for their review and consideration and added that upon the Board's request, he has prepared a Memorandum of Understanding and would ask the Board to pass a resolution authorizing the MOU as submitted.

Trustee Chessler made a motion that the Board of Trustees, based on the request that they received from the Massillon Amateur Radio Club, authorize the Law Director to negotiate and enter into a Memorandum of Understanding with the Massillon Amateur Radio Club for the use of the Hartwick Park Pavilion during the period of June 29<sup>th</sup> to July 1<sup>st</sup>, 2018 and asked Law Director Hall if he could apply his approval as to form; Law Director Hall confirmed yes; Seconded by Trustee Haines.

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

#### **Communication from Steve Toohey to the Board**

Trustee Haines referenced a communication to each of the Board members from Operation Flags of Freedom President Steve Toohey with a personal invitation to attend the Opening Ceremony/Operation

Flags of Freedom on the front steps of Perry High School on Saturday, May 26, 2018. Trustee Haines read aloud Mr. Toohey's letter of invitation and relayed that this community building event would be full of activities for the entire family.

**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 \$145,840.28 for the week ending May 8, 2018 and bills and payroll in the amount of \$228,238.29 for the week ending May 15, 2018 for a combined total of \$374,078.57; Seconded by Trustee DeChiara.

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

**Fiscal Officer:**

**Administration:**

**Consider Accepting Perry Rotary Donation in the Amount of \$3,000**

Administrator Fetzer indicated that she had the pleasure of accepting a \$3,000.00 check on behalf of the Board of Trustees from Perry Rotary for the purchase of a new swing set to be placed at Meredith Park, next to the shelter. Administrator Fetzer stated that this donation is in compliance with the Meredith Park Master Plan and will be utilized and appreciated by many. Administrator Fetzer relayed that Perry Rotary has provided many things to our parks over the past years and gave a brief summary of upgrades to Meredith, Summerdale, Hartwick and Perry Parks.

Trustee Haines made a motion that the Board accept the Perry Rotary donation in the amount of \$3,000.00 to put toward the swing set at Meredith Park; Seconded by Trustee Chessler.

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

Trustee DeChiara inquired if we would send a thank you card to Perry Rotary; Administrator Fetzer

**Consider Accepting the Stark Tusc Wayne Joint Solid Waste Management District 2018 Program Start Up Grant in the Amount of \$13,837.96**

Administrator Fetzer indicated that this was a reimbursement grant and relayed that Law Director Hall had approved the resolution regarding this matter. Administrator Fetzer added that Mr. David Held and his team went above and beyond with some suggestions and their on-site visit to our yard waste location; we were funded with everything the Board requested.

Trustee Haines made a motion that the Board accept the Stark Tusc Wayne Joint Solid Waste Management District 2018 Program Start Up Grant in the amount of \$13,837.96; Seconded by Trustee Chessler.

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

### **Consider Amending Credit Card Resolution Policy**

Administrator Fetzer referenced the three (3) highlighted sections of the current credit card resolution policy, attached before the Board, and relayed that due to the existing antiquated language, these sections are being requested to be amended by eliminating them from the existing resolution.

Trustee Chessler inquired if the highlighted language would be supplemented by other language. Law Director Hall gave a brief explanation and added that this update was to bring this policy in line with action practice. Trustee DeChiara verified that the final document would have everything except the highlighted areas; Trustee Haines confirmed that was correct.

Trustee Haines made a motion to amend the credit card resolution policy as given in the resolution dated May 15, 2018; Seconded by Trustee Chessler.

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

### **Consider Resolution Segregating Perry Township Community Events**

Administrator Fetzer indicated that Law Director Hall created this resolution in regard to the Community Event funds that state that event funds are not held inside the Fiscal Office, they are held in an independent, First Commonwealth Bank under the auspice of herself and Tina DeSimone. Administrator Fetzer referenced the highlighted section on page 2, attached before the Board, that states the 'account shall only and solely be used for Board approved purchases and expenditures'. Administrator Fetzer indicated that Board President Haines thought this should be amended to 'account shall only and solely be used for Board income'; meaning we are only taking income and those dollars will be tracked, not through the Township, it will not be associated with the Fiscal Officer's account but will be moved to First Commonwealth Bank.

Trustee Haines relayed that this part of the resolution talks about PayPal only and stated that we do not use PayPal as a pay account, we use it as an income account for people who make donations. Trustee Chessler verified receipts only; Trustee Haines confirmed yes.

Trustee Haines made a motion that the Board accept the resolution segregating the Perry Township Community Events to be held at First Commonwealth Bank; Seconded by Trustee Chessler.

Trustee Chessler verified of Law Director Hall that he has followed this and this was his drafted recommendation to segregate those funds and that activity from the Fiscal Office; Law Director Hall indicated that was correct. Trustee Chessler verified of Fiscal Officer Schlegel that he was okay with this being segregated as well; Fiscal Officer Schlegel stated yes. Trustee Chessler verified that this would be maintained for community events in a separate facility and not subject to auditor or fiscal officer's responsibilities; Fiscal Officer Schlegel stated correct.

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

### **Fire Department:**

### **Police Department:**

### **Consider Amendment to PD Records Retention Schedule**

Police Chief Pomesky indicated that he has reviewed the police department's records retention schedule over the last several months and is requesting the Board's approval for the attached records retention schedule update. Chief Pomesky relayed that this will enable the department to adequately manage storage space within the department and indicated that this criterion has been sent to the Law Director for his review.

Trustee Chessler made a motion that the Board adopt and approve the revised records retention schedule for the Perry Township Police Department that is described in the memo of May 10, 2018 and includes the attachment that lists the specific records categories and retention types; Seconded by Trustee DeChiara.

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

### **Consider Disposal of Unsuitable Firearms from PD Inventory**

Police Chief Pomesky stated that the Police Department is requesting the Board's review and approval of the inventory records for seventeen (17) firearms that have been seized and turned over to the police department through various case, attached before the Board. The Police Department is requesting that the Board authorize the destruction and disposal of these weapons.

Trustee Haines made a motion to approve the disposal of the unsuitable firearms from the Police Department inventory; Seconded by Trustee Chessler.

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

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

#### **Consider Approval of the 2018 Paving Program**

Road Superintendent Masalko stated that the Road Department has completed inspections of the worst roads within the Township and is requesting the Board's approval of the proposed 2018 paving schedule, attached before the Board.

Trustee Haines inquired how many total miles would be paved. Road Superintendent Masalko estimated about 8 miles would be paved. Trustee Haines verified that this would be the last year of our loan repayment, Fiscal Officer Schlegel confirmed yes.

Trustee Haines made a motion to approve the 2018 Paving Program with the bid going out tomorrow, May 16, 2018 and bids will be opened on the meeting of June 5, 2018 at the start of the meeting, 7:00 pm; Seconded by Trustee Chessler.

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

#### **Consider Approval of the Change Order for 13<sup>th</sup> Street ADA Compliant Sidewalk Project**

Road Superintendent Masalko referenced the change order for the 13<sup>th</sup> Street ADA Compliant Sidewalk Project in the amount of \$3,182.57 and stated that the reasons for the change order were extra fill

between the new curb and sidewalk; additional asphalt; additional aggregate and additional work that was done regarding the existing conditions.

Trustee Haines indicated that it looked very nice and verified that this work was done mainly with grant monies. Mr. Masalko confirmed yes and relayed that it was done with a community block grant.

Trustee Haines also relayed the grant monies that funded a new parking lot and basketball court at Oakhill Park and additionally, resurfacing of the walking track and parking lot at Perry Park.

Trustee Haines made a motion to approve the change order for the 13<sup>th</sup> Street ADA compliant sidewalk project in the amount of \$3,182.57; Seconded by Trustee Chessler.

Trustee Chessler stated that he wanted to note a letter that Mr. Oprisch, engineering services, wrote to the Board of May 10, 2018 detailing the justification for the change order; additional fill was needed between the new curb and sidewalk than what was shown in the plans to eliminate areas that could pond; additional asphalt material was required because the existing road conditions necessitated saw cutting slightly wider than what was anticipated in the plans. Trustee Chessler stated that these were items we were not aware of when it was engineered and bid that necessitated us to incur these costs.

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

#### **Law Director:**

#### **Zoning:**

#### **Problem Properties**

**Consider Nuisance Abatement Consisting of Junk, Trash, Debris, Farm Animals on Less Than One Acre in a Platted Subdivision and Trucks Parked in the Front Yard**

#### **Requesting**

**Consider Nuisance Abatement Consisting of Junk, Trash, Debris, Farm Animals on Less than One Acre in a Platted Subdivision and Trucks Parked in the Front Yard**

Trustee Chessler made a motion that the Board authorize the Law Director and the Zoning Inspector take the steps necessary, including the filing of a legal action in Common Pleas Court to obtain compliance with our zoning resolution and our property maintenance code; Seconded by Trustee DeChiara.

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

#### **Requesting Direction Concerning Grass Assessments**

Zoning Inspector Cugini indicated that Law Director Hall has recommended that he place this matter on the Agenda for this evening for discussion and clarification regarding zoning grass assessments. Mr. Cugini gave a brief explanation regarding the property assessments the Township must place in regard to grass mowing and relayed that sometimes these property assessments do not get placed in time; Board direction on how we can proceed from this point forward is being respectfully requested.

Trustee Haines verified that the issue in the past has been that the Township Zoning Department has assessed properties but when some of these properties are sold, the new owners have requested that we waive these assessments. Trustee Haines relayed that we have talked about being able to assess properties more often than once a year. Trustee Chessler indicated that he had proposed to put something in the chain of title so that prior to a sale (of property) taking place, when the title examiner evaluates the title, it will indicate that there is an outstanding assessment. Trustee Chessler stated that it is not fair for the Township to take the hit on all of the costs that we must incur just to try and do what they (property owner) should have done in the first place.

Trustee DeChiara inquired what it would take to make this happen. Law Director Hall indicated that he has created documents to be recorded with the County Recorder's Office; it would reference the amount and the property description; there is a \$28.00 recording fee, but it would be effective immediately. Mr. Hall indicated that this should avoid those gap problems that we have previously run into. Law Director Hall also stated that he and Zoning Inspector Cugini discussed that rather than doing these assessments once or twice a year, the assessment can be put on immediately so as to speed up the process to protect the Township in regard to the nonpayment of these fees. Further discussion took place regarding this matter.

Trustee Chessler made a motion that the Township amend its policy with regard to the liens generated by mowing to authorize and direct the Law Director and Zoning Inspector to take all steps necessary to secure and protect our costs and our lien rights on properties where we have done mowing and expended it for other funds; Seconded by Trustee DeChiara.

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

**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.funkologycleland.com](http://www.funkologycleland.com) – Saturday, May 26<sup>th</sup> from Noon to 4:00 pm. Details at [www.perrytwp.com](http://www.perrytwp.com)

~Operation Flags of Freedom – Memorial Day Weekend – Visit [www.opertionflagsoffreedom.com](http://www.opertionflagsoffreedom.com)



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

### **Public Speaks-Open Forum:**

Dennis Curry, 3408 Roanoke St. NW, Massillon, Ohio - Mr. Curry stated that he did receive a copy of the court citation prompted by the Law Director and Zoning Inspector and gave a brief update of the details regarding this property next door. Law Director Hall indicated that the court date was scheduled for Friday, June 8, 2018 at 1:00 pm and encouraged Mr. Curry to consider being in attendance. Trustee Haines thanked Mr. Curry for keeping the Board informed.

Timothy Blythe, 2956 Bridgeton St. NW, Massillon 44646 – Mr. Blythe referenced Road Superintendent Masalko's previous statement tonight regarding Jackson Avenue to be paved from 12<sup>th</sup> Street North to the line and inquired if it would be beneficial to extend that south to the Fasnacht entrance. Mr. Blythe relayed that section of road was in terrible condition.

Trustee Haines verified of Road Superintendent Masalko if that area was half Perry Township, half Massillon. Mr. Masalko gave a brief explanation. Trustee Haines inquired if we could look at that area. Mr. Blythe indicated that if we wait another year, this highly travelled road would only get worse. Road Superintendent Masalko indicated that they were looking at an OPWC project in coordination with the City of Massillon to redo the whole road and rehab all the drainage and catch basins and would be meeting with them this week for discussion regarding this project.

Sherry Toth, 2725 Elmbreeze St. NW, Massillon, Ohio 44646 – Ms. Toth stated she was here concerning the unfinished ditch problem in her yard and neighbor, Paul Eash's yard. Ms. Toth stated that no topsoil was brought in, nothing had been seeded as well as issues with the pipe not being covered. Ms. Toth referenced photographs and emails she had regarding this matter. Ms. Toth gave a detailed explanation regarding this matter.

Paul Eash, 722 Jackson Ave. NW, Massillon – Mr. Eash stated that he lives on the corner of Jackson and Elmbreeze and gave explanation, in addition to Ms. Toth, regarding the culvert that was put in.

Trustee Haines referenced this issue and verified of Road Superintendent Masalko if the culvert was designed to take water from the pond to the creek north of it. Mr. Masalko stated that was correct.

Law Director Hall stated that he would work with Road Superintendent Masalko to set up a meeting to include former Stark County hydraulics engineer, Gary Connor, the current county hydraulics engineer and a representative from Bachtel and interested parties to set up a meeting on sight to see if a solution could be determined.

Tim Blythe - Mr. Blythe stated that he wanted to ask one more thing regarding the paving; and stated that he recognized that there were limited funds in the paving project but asked if this would be a good time to take funds out of the General Fund and loan them to the Road Department to be able to cover that portion of roadway on Jackson Avenue. Trustee Chessler inquired of Road Superintendent Masalko if we could calculate what that amount would be; Mr. Masalko confirmed yes.

**Executive Session(s):**

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) to investigate, to consider the investigation of charges or complaints against a public employee, official, licensee, or regulated individual to include the Board, Fiscal Officer, Administrator, Law Director and possibly Police Chief; Seconded by Trustee Chessler.

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

The Board adjourned into Executive Session at: 8:16 pm

The Board adjourned from Executive Session at: 9:05 pm

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:19 pm; Seconded by Trustee Chessler.

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

---

Doug Haines, President

---

Joe Schlegel, Fiscal Officer