

Perry Township Board of Trustees

Regular Meeting

July 17, 2018 7:00 pm

Call to Order/ Pledge of Allegiance:

Excused absence:

Additions/Deletions to Agenda:

Public Hearings/Invited Guests:

**Phase II 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Bid Opening 7:00 pm**

Trustee Haines stated that we have solicited bids for Phase II of the 4<sup>th</sup> St./Pleasant Hills Storm Sewer project that were set to be at 7:00 pm this evening. Trustee Haines inquired if there was anybody here wishing to turn in a paving bid, seeing none, stated that he would turn this over to Fiscal Officer Schlegel for the opening of the solicited bids.

Fiscal Officer Schlegel read aloud the following submitted bids:

<b>Company Name</b>	<b>Base Bid</b>	<b>Alternate Bid</b>	<b>Total Bid</b>
Easton Construction Inc. (Bid Bond)	\$540,176.50	\$18,380.00	\$558,556.50
Bachtel Excavating Inc. (Bid Bond)	\$564,554.80	\$25,820.00	\$590,374.80
Wenger Excavating Inc. (Bid Bond)	\$594,044.05	\$17,542.00	\$611,586.05
Lockhart Concrete (Bid Bond)	\$599,941.50	\$17,073.00	\$617,014.50

Trustee Chessler made a motion that the Board accept the bids as submitted and refer them to the Law Director, Road Superintendent and Mr. Oprisch for further review and recommendation to the Board; Seconded by Trustee DeChiara.

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

Communications:

Public Speaks on items up for Board Approval: None.

Township Business requiring Board Action: None.

Unfinished Business: None.

## New Business:

### **Consider Discussion of Police and Road Levies**

Trustee Haines indicated that there have been several meetings with Fiscal Officer Schlegel and the Department Heads for discussion of police and road levies. Trustee Haines relayed that this matter has yet to be discussed as a whole Board with the Department Heads and indicated that the road levy would first be up for discussion at this time.

Fiscal Officer Schlegel indicated number amounts for the un-milled levy and relayed that the filing deadline through the Stark County Auditor's Office is August 8, 2018. Fiscal Officer Schlegel also stated that any filing requests would need to be made at least a week before that date in order for the Auditor's Office to certify the requested amount regarding a levy request.

Trustee Haines stated that there has been discussion regarding how many mills to be determined regarding a road levy and expressed his appreciation to the Road Superintendent, Assistant Road Superintendent and Road Department Administrative Assistant for creating a spreadsheet that outlines several millage options regarding Road Department costs and operations in relation to this levy determination. Trustee Haines gave a comparison of costs for salt and asphalt from past years to what is now current, indicated that the number of road department employees have gone from 15 to currently 10 and listed the monies from the road budget for recent and past drainage projects, box culvert projects and drainage ditches; this has been in partnership with other entities to alleviate or address these types of issues within the Township. Trustee Haines stated that all of these projects, though necessary, takes away from the paving budget. Trustee Haines stated that the Road Department has done a good job in exploring various grant opportunities to take some of the burden from the road department budget but indicated that we weren't there yet regarding the financial aspect.

Trustee DeChiara stated that though he is not in favor of putting any levies on any departments without having a solid plan as to what and how we can get there, agrees that there is a definite need for road department funding. Trustee DeChiara added that whatever is decided, he would like the Board to be confident that the budget is going to do the work that it needs to do.

Trustee Chessler indicated that he thought that's what we were trying to do with the last levy; come up with a program to generate enough money for road paving materials that would allow us to pave every street in Perry Township, but relayed that the past levy did not give us the money that we needed. Trustee Chessler stated that he felt these figures would help us find out exactly how much millage we need to request to determine how many miles of road we have and how much it costs to pave a mile of road. Trustee Chessler indicated that we don't want to make the mistake of again asking for a fraction of what we need knowing that there's going to be increases in the costs of asphalt and needs beyond paving materials like maintaining our buildings and buying more paving equipment and vehicles. Trustee Chessler stated that he would also like to see a plan that is specific and understandable to the voter so that they can know what they're getting this time and have the money to do it.

Trustee Haines indicated that they would take comments on this topic at this time instead of waiting until the Public Speaks portion at the end of the meeting.

Tim Blythe – Mr. Blythe referenced the spreadsheets and indicated that he felt we needed to take the price of asphalt and look at that number per cost over five years; we know that we can assume the cost will go up.

Trustee Haines stated that he would like to have more conversation with Road Superintendent Masalko and Fiscal Officer Schlegel to make sure we're all on the same page and indicated that a possible special meeting might need to be scheduled if we decide that we want to put something on the November election.

Law Director Hall stated that he wanted to reaffirm what Fiscal Officer Schlegel stated earlier; the levy request is a two-step process; you have to ask the auditor to certify the levy amount, after you get that certification, even though you know what that number is, you must have the auditor's certification before you pass a levy; the auditor has 10 days to respond. Mr. Hall indicated that the Board will almost have to have a special meeting and relayed that it would have to be before the 31<sup>st</sup> (of July).

Trustee DeChiara inquired of Fiscal Officer Schlegel that since the county was doing property appraisals in 2018, would this effect this levy cycle. Fiscal Officer Schlegel stated that's where John Oates of the auditor's office would come in and give us that certification.

Trustee Chessler reaffirmed that we need to add in an amount, not yet identified, of the projects that we know we will be partnering with in relation to drainage and box culvert projects. Trustee Haines confirmed that with the Road Superintendent's information on these past projects, we could get somewhat of an average of what we're spending per year on things that come up out of the ordinary. Trustee DeChiara stated that in addition, feels we need to budget, a capital-improvement type of fund, that would earmark money for the maintaining of the road department buildings.

Trustee Haines indicated that next we would move on to the discussion of the police department. Trustee Haines referenced the negativity of the last police levy and indicated that we had good expectations of what we wanted, the manpower we wanted and what we were going to do but stated that we fell short of that and added that they all carry some of that burden. Trustee Haines stated that we didn't achieve what we wanted but added that is why we are having this discussion tonight to find out where we were regarding both road and police.

Regarding a police levy, Fiscal Officer Schlegel stated that the funding would be the same as for the road levy and gave the amount of what a \$100,000 homeowner would pay each month.

Police Chief Pomesky stated that his recommendation is to renew the 3.9 mil levy and stated that they were asking for the Board's consideration for a 2.5 mil additional levy. Chief Pomesky stated that the previous levies have not generated the funding needed to do the hiring that they wanted. Chief Pomesky gave more explanation regarding additional staffing.

Trustee Haines stated that he wanted to interject that he met with Superintendent Beatty and school board member Mr. Casey as he knows Chief Pomesky also met with them separately regarding their request for two additional officers, in addition to the two officers that they already have. Trustee Haines stated that if they would move forward on the proposed police levy, the township would have to do our homework regarding these details but would want it spelled out that if we ask for the 1.25 mils for officers, that will all go to that and that two officers would be dedicated to the school based on that.

Tim Blythe – Mr. Blythe inquired if the school provided any funding toward the current officers and would they provide any funding for additional. Chief Pomesky gave some detail regarding the staffing and Trustee Haines indicated that the schools indicated that they were willing to help us with something but did not talk figures.

A resident from the audience asked if there were any grants available for this specific issue, police presence in the schools. Chief Pomesky indicated that there were and gave a brief explanation as to the requirements these grants adhere to.

A resident from the audience asked if this was all for the high school. Trustee Haines indicated that it was for all the schools in the Township.

A resident from the audience asked why a security firm couldn't be used for the schools instead of the police officers. Chief Pomesky indicated that security firms were unable to interact with some of the issues that the police force was able to do and would not contribute to the cases being handled properly.

Tim Blythe – Mr. Blythe stated that the schools could generate the money (for additional police officers) if they wanted to. Trustee Haines indicated that they weren't here this evening to argue that point and relayed that we are all in this together.

Mr. Blythe stated that he was very critical of the last police levy and added that he had asked two very simple questions that were never answered, one, what services will be provided if the levy passes and two, what services will be terminated if the levy fails. Mr. Blythe stated that he is also trying to find a pattern in one, what we budgeted over the last ten years; two, what we spent over the last ten years; and three, how much money we actually brought in over the last ten years. Mr. Blythe stated that he has compiled some information that Fiscal Officer Schlegel and Police Chief Pomesky provided to him but indicated that with only half of the information he has requested, the budgeted amount is nothing.

Fiscal Officer Schlegel indicated that he gave Tim what he asked for but added that if he would give him a copy of what he is talking about tonight they could go over that to discuss.

Trustee Haines stated that there has been a lot of questions asked and a lot of conversations regarding this matter over the last several weeks and indicated that is why he asked for this to be put on the Agenda for discussion tonight without any action to be taken. Trustee Haines also stated that if they could not answer the questions that were asked tonight, they have not done enough homework and relayed that those questions will be answered.

Trustee Chessler also briefly reiterated that the critics have pointed out that the increases in staffing promised during the previous levy campaign did not materialize and added that there are things we can do now at this point and with this knowledge to take them constructively. Trustee Chessler also indicated that he would like to see the union representation be joined in a dialogue to get their thoughts and relayed that he felt their input would be valuable.

Trustee Haines thanked everyone for their participation and stated that they would now move on to the remainder of the Agenda.

Trustee Haines made a motion to approve bills and payroll in the amount of \$332,467.93 for the week ending June 26, 2018 and bills in the amount of \$177,202.67 for the week ending July 3, 2018 and bills and payroll in the amount of \$168,795.27 for the week ending July 10, 2018 and bills in the amount of \$98,395.78 for the week ending July 17, 2018 for a combined total of \$776,861.65; Seconded by Trustee Chessler.

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

**Fiscal Officer:**

**Consider Accepting the Meeting Minutes from 05/01 and 06/05 and 06/19**

Trustee Haines made a motion that the Board accept the meeting minutes of May 1, 2018, June 5, 2018 and June 19, 2018; Seconded by Trustee Chessler.

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

**Administration:**

**Consider Temporary Road Closing of SR 172 for the 5<sup>th</sup> Annual Perry Township Community Parade on September 15, 2018**

Administrator Fetzer indicated that on Saturday, September 15, 2018 from 11 am to Noon, we will be celebrating the 5<sup>th</sup> Annual Perry Township Community Parade. Administrator Fetzer stated that we have recently received notification from David C. Koneval of the District Four Traffic Office of ODOT granting that request; Mr. Koneval has listed nine (9) points of recommendation to make sure the parade goes smoothly. Administrator Fetzer stated that she is requesting that the Board make a motion to temporarily close the street on Saturday, September 15<sup>th</sup> from 11 am to Noon.

Trustee Chessler made a motion, pursuant to the requirements of the Ohio Department of Transportation, that the Board adopt a resolution concurring with the road closure requirements for the Perry Township Community Parade on Saturday, September 15, 2018 for the period of time of 10 am to Noon; Seconded by Trustee Haines.

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

**Consider Request for Indigent Burial**

Administrator Fetzer relayed that sadly a 17-yr. old girl who has been ill for the past 4 years at Perry High School passed away two Sundays ago and her family is requesting indigent burial assistance from the Board, per the Ohio Revised Code. Administrator Fetzer indicated that in her conversations with each Board member and Law Director, she has received authorization to proceed that everything was documented properly, attached before the Board. Administrator Fetzer stated that she would ask that the Board recognize the Reed Funeral Home invoice in the amount of 1,470.00 for the indigent burial and that was for the cremation and the urn and then the Reed ceremony that went along with this last Sunday.

Trustee Haines verified for the record that no interment would be made and that the urn was not going to be buried in our cemetery. Administrator Fetzer stated her confirmation.

Trustee Haines made a motion that the Board approve the request for indigent burial in the amount of \$1,470.00 to the Reed Funeral Home; Seconded by Trustee Chessler.

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

**Consider a Motion of Support to Adopt Amendments to the Stark County Erosion Sediment Control Regulations in Conjunction with the Stark County Commissioner's Resolution**

Administrator Fetzer indicated that she and Road Superintendent Masalko met with Rich Rohn of Stark Soil and Water last week to discuss the items pertaining to the Ohio EPA requirements. Administrator Fetzer relayed that at that time, Mr. Rohn stated that the last time the Stark County Erosion Sediment Control Regulations were updated was sometime in 2008. Administrator Fetzer stated that Mr. Rohn took over his position a little over two years ago and realized how things needed to progress moving forward and has requested a resolution of amendments from the Stark County Commissioners on June 27, 2018, attached before the Board. Administrator Fetzer stated that Mr. Rohn is requesting that our Board of Trustees also consider passing a motion to accept this event as the Stark County Erosion Sediment Control Regulations in conjunction with the Stark County Commissioners.

Trustee Haines made a motion that the Board pass the resolution for the Stark County Erosion Sediment Control Regulations in conjunction with the Stark County Commissioner's resolution adopted on June 27, 2018; Seconded by Trustee Chessler.

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

**Fire Department:**

**Consider Donation of Out-of-Service Fire Hose to Cleveland Metro Park Zoo**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the disposal/donation of 30 sections of 4-inch supply hose that is obsolete/damage/unfit fire hose that is unable to be used for the purposes of combat structural firefighting; disposal/donation of fire hose is acceptable under Ohio Revised Code 505.10 (7) "If the Board of Trustees determines that township personal property if not needed for public use, or is obsolete or unfit for the uses for which it was acquired, and that the property has no value, the board may discard or salvage that property."

Chief Martin relayed that the sections of fire hose are fifteen (15) years old and past the recommended service time; therefore, the fire department has been determined the items to be obsolete, damaged, unrepairable and/or unfit with no value to the items; the fire hose will be donated to the Cleveland Metroparks Zoo; they are able to take firehose to create climbing structures for the monkeys.

Trustee Chessler made a motion, based on the Chief's presentation, that the Board of Trustees determine that the Township personal property is no longer needed for public use or is obsolete or unfit for the use for which it was acquired; property has no value and the Board seeks to discard or salvage that property pursuant to Ohio Revised Code 505.10 (7); Seconded by Trustee DeChiara.

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

**Consider Emergency Repairs on Medic #5**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the payment of \$3,021.55 to Progressive Chevrolet for emergency repairs to Medic #5. Chief Martin indicated that the ERG valve and cooler on Medic #5 failed, resulting in an emergency repair by Progressive Chevrolet; the replacement of the ERG valve and cooler on Medic #5 was too involved to be conducted in-house.

Trustee Haines made a motion that the Board approve the emergency repair to Medic #5 to Progressive Chevrolet, Massillon, Ohio in the amount of \$3,021.55 for the replacement of the ERG valve; Seconded by Trustee Chessler.

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

**Police Department:**

**Consider Approval of the 2018-2019 Drug Use Prevention Grant**

Chief Pomesky stated that the Police Department is requesting the Board to accept the Attorney General's Office grant in the amount of \$22,497.28 for the 2018-2019 Drug Use Prevention Grant.

Trustee Chessler made a motion that the Board accept the Attorney General's Office grant in the amount of \$22,497.28 and further authorize and direct the Chief, on behalf of the Police Department and the Board, to apply these funds in compliance with the DARE grant requirements; Seconded by Trustee Haines.

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

Police Chief Pomesky stated that the Police Department is requesting that the Board of Trustees authorize

**Consider Cost Adjustment to the Bullet Resistant Vest Purchase**

Police Chief Pomesky stated that the Board previously approved the purchase of nine (9) bullet proof vests for nine (9) officers whose vests will be expiring in June 2018 from Galls; the cost of one Ohio State Contract Point Blank FLXIII A with 2 Vision Carrier is \$862.00. The total cost approved for nine (9) vests was \$7,758.00; after receiving the invoice from Galls, it was discovered that our representative did not include the cost of the Thorshield Sleeves that protect against tasers; therefore, the \$7,758.00 amount of the purchase order approved by the Board did not match the \$8,280.00 invoice that we received from Galls which is a \$522.00 difference.

Police Chief Pomesky stated that the Police Department is asking that the Board amend the amount of the previous purchase order to accommodate the additional \$522.00 for the Thorshield Sleeves that were not included in the original quote; the total amount of the invoice is \$8,280.00, attached before the Board.

Trustee Haines made a motion that the Board approve the additional \$522.00 for Galls for the bullet proof vests, the Thorshield Sleeves, a total of \$8,280.00; Seconded by Trustee Chessler.

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

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

#### **Consider the 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Improvement Project Phase 2 Lowest Responsible Bid**

Road Superintendent Masalko stated that the Road Department is asking the Board of Trustees to direct the Perry Township Road Superintendent, Law Director, Fiscal Officer and consulting engineer to review and accept bids to determine the lowest, responsible bid; upon this acceptance, the Road Department will be able to execute, as soon as possible, the notice to proceed with the 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Improvement Project Phase 2.

Trustee Chessler verified that there is a two-step process to view and accept a bid and award a contract; Law Director Hall confirmed and briefly explained this process.

Trustee Chessler made a motion that with regard to the 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Improvement Project Phase 2, that the Board authorize the Road Superintendent and the Law Director to accept and review the documents and determine the lowest responsible bid and further authorize the Road Department to proceed upon acceptance of the bid to execute as soon as possible the notice to proceed in compliance with the OPWC requirements on this project and take all other necessary and related action to award the bid and proceed with the project; Seconded by Trustee DeChiara.

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

#### **Consider the Agreement Between City of Massillon and Perry Township to Apply for OPWC Grant Funding**

Road Superintendent Masalko indicated that Massillon City Engineering has approached Perry Township to partner in the resurfacing and rehabbing of 27<sup>th</sup> St./Jackson Avenue NW. Mr. Masalko stated that he asked Massillon City Engineering if it was possible to apply for OPWC (Ohio Public Works Commission) grant funding in the year of 2019 as a joint effort; they agreed to take the lead in applying for this grant.

Road Superintendent Masalko indicated that attached before the Board and for the Board's approval is the agreement between the City of Massillon and Perry Township; deadline for applying for OPWC funds is September 15, 2018.

Trustee Chessler inquired of Law Director Hall if he had reviewed this Agreement; Law Director Hall stated that he had not but confirmed that he would review.

Trustee Chessler made a motion that based on the timing element of the application process for OPWC funding, that our Board enter into the written agreement between Perry Township and the City of Massillon, subject to the review and approval by the Law Director as to its form and legal sufficiency and any other recommendations or advice the Law Director may have; Seconded by Trustee DeChiara.

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

#### **Consider Approval of Berm, Shoulder, Driveway Approach Resolution**

Road Superintendent Masalko stated that the Road Department is asking the Board of Trustees to approve a resolution to clarify to residents and business owners that it's not the Road Department's obligation to maintain the berm, shoulder and driveway approach on their properties.

Trustee Chessler made a motion that the Board adopt a resolution, established policy with regard to the berm, shoulder, driveway approach of abutting areas to Township Roads as it is set forth in the resolution dated 17<sup>th</sup> of July on this topic that the Law Director has prepared and approved; Seconded by Trustee Haines.

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

**Consider OPWC Pay Request #3 for 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Phase 1**

Road Superintendent Masalko indicated that this is the pay request #3 for the 4<sup>th</sup> Street/Pleasant Hill Storm Sewer project; the township portion is \$1,239.60; that would be the Township's portion for Hammontree and then for Superior Paving & Materials would be \$12,513.40; OPWC will be paying Hammontree \$4,958.40 for the combined total of \$6,198.00; OPWC will be paying Superior Paving \$50,053.60, total combination \$62,567.00.

Trustee Chessler made a motion that the Board approve the resolution authorizing payment on the 4<sup>th</sup> St./Pleasant Hills Storm Sewer project as is set forth in the memorandum; specifically, the Township's portions to Hammontree & Associates in an amount not to exceed \$1,239.60 for this pay request and the Township's portion to Superior Paving in the amount of \$12,513.40 on this pay request; Seconded by Trustee DeChiara.

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

**Consider Public Storm Water Drainage Easement Agreement**

Road Superintendent Masalko stated that the Road Department is asking the Board of Trustees to approve and sign the public storm water drainage easement document that was released to the Township by Russell and Joan Garner. Mr. Masalko indicated that this drainage easement is intended for the installation and maintenance of storm drain pipes.

Trustee Chessler made a motion the Board approve and authorize entering into the drainage agreement with Russell C. and Joan E. Garner for the lands described and depicted in the map and that we authorize the Law Director to take steps to have this recorded and make a record; Seconded by Trustee DeChiara.

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

Trustee Chessler verified of Law Director Hall that he put his 'Prepared By' stamp somewhere on this document. Law Director Hall confirmed yes.

**Law Director:**

**Zoning:**

**Problem Properties:**

**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:**

~Notice to legislative authority from Ohio Division of Liquor Control: Permit B TRFO 5791425 from Demario Properties Inc., 1411 Whipple Ave. NW, Perry Twp. Canton 44708 to MDM Pizza LLC 1411 Whipple Ave. NW, Perry Twp., Canton, Ohio. Mailed responses must be post marked no later than 08/10/18.

~Road Closure Notice for the 5th annual Perry Township Community Parade and Oktoberfest on Saturday, September 15, 2018; [www.perrytwp.com](http://www.perrytwp.com)

**Public Speaks-Open Forum:**

Dennis Curry, 3408 Roanoke St. NW, Massillon – Regarding the housefire next door, Mr. Curry stated that he wanted to say that it was being cleaned up; nothing had been done until the Law Director and Tim talked to Lou. Mr. Curry stated that Lou has been working over there and is doing a very good job of cleaning it up, he even had someone come out to cut the grass. Trustee Haines thanked Mr. Curry for keeping the Board updated regarding this housefire and the cleanup process as well.

**Executive Session(s):**

**Executive Session: ORC 121.22 (G) (3) Conference with Legal Counsel Concerning Imminent or Pending Court Action to Include the Board, Fiscal Officer and Attorney Greg Beck**

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (3) conference with legal counsel concerning imminent or pending court action to include the Board, Fiscal Officer, Attorney Grey Beck and the Road Superintendent; Seconded by Trustee Chessler.

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

The Board adjourned into Executive Session at: 8:33 pm

The Board adjourned from Executive Session at: 9:00 pm

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 9:00 pm; Seconded by Trustee Chessler.

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

---

Doug Haines, President

---

Joe Schlegel, Fiscal Officer