

**Perry Township Board of Trustees**

**Regular Meeting**

**October 9, 2018 7:00 pm**

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

Trustee Haines welcomed Katherine Johnson to lead us in the Pledge this evening. Trustee Haines indicated that Katherine served in the United States Air Force from 1990 to 1994 and proudly served with the 18<sup>th</sup> Fighter Maintenance Squadron, Kadena Air Base, Okinawa from 1991 to 1993. Katherine has served with the SCVSC team since July 2016 and has risen to County Veterans Services Officer. Trustee Haines also indicated that Katherine's son is currently serving on active duty in the United States Navy.

On behalf of the Board, Trustee Haines thanked Ms. Johnson for being here this evening and presented her with a flag/display case as a token of appreciation for her dedicated service.

**Excused absence:**

**Additions/Deletions to Agenda:**

**Public Hearings/Invited Guests:**

**Keith Nutter ~ AQUA Community Events Sponsor**

Trustee Haines welcomed Aqua Ohio Manager, Keith Nutter here this evening and indicated that on behalf of the Board, would like to recognize Keith, also on behalf of Aqua Ohio, for the generous sponsorship and community leadership and commitment of the community events in Perry Township. Trustee Haines briefly touched on the many ways Aqua Ohio's sponsorship has lead the Township throughout all of the community events beginning with the Perry Township Bicentennial, Patriots in the Stadium, Oktoberfest and Light Up Perry. Trustee Haines presented Mr. Keith Nutter with a recognition award and read aloud the inscription dated October 9, 2018 from the Perry Township Board of Trustees.

Mr. Nutter relayed his genuine thanks to the Board and indicated that Aqua would like to plan to continue their sponsorship of the community events as well as continue to try and be your hometown water company and this being a part of what they do.

**Communications:**

**Public Speaks on items up for Board Approval:** None.

**Township Business requiring Board Action:** None.

**Unfinished Business:** None.

**New Business:**

Trustee Haines made a motion to approve bills in the amount of \$281,960.10 for the week ending September 25, 2018 and bills and payroll in the amount of \$248,548.81 for the week ending October 2, 2018 and bills in the amount of \$30,926.87 for the week ending October 9, 2018 for a combined total of \$561,435.78; Seconded by Trustee Chessler.

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

**Fiscal Officer:**

**Consider Creating Fund 25 Federal Law Enforcement Trust Fund Appropriation and Receipt**

Fiscal Officer Schlegel stated that as the Board was aware, Chief Pomesky has indicated the request from the State of Ohio of the transfer of Law Enforcement Trust Funds to create the Fund 25 Federal Law Enforcement Trust Fund Appropriation and Receipt Account.

Trustee Chessler made a motion that the Board authorize the creation, for the Fiscal Officer's use, of a fund denominated as the 25 Fund to accept and expend funds from the Federal Law Enforcement Trust Fund; Seconded by Trustee DeChiara.

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

**Consider Approving Amended Certificate \$19,932.98 for 32 Law Enforcement Trust Fund and \$5,545.31 for 25 Federal Law Enforcement Fund for a Combined Total of \$25,478.29**

Trustee Chessler made a motion that the Board approve an amended certificate for \$19,932.98 for the 32 Law Enforcement Trust Fund and \$5,545.31 for the newly created 25 Federal Law Trust Fund for a combined total of \$25,478.29; Seconded by Trustee DeChiara.

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

Trustee Chessler stated that he just wanted to note that our supporting documents show that there are two official cashier's checks from Fifth Third Bank in the amounts that we have cited so the funds have been delivered to the Fiscal Officer for deposit only.

**Consider Accepting the Meeting Minutes of 08/21/18, 09/04/18, 09/18/18**

Trustee Haines made a motion that the Board approve the meeting minutes from August 21, 2018; September 4, 2018; and September 18, 2018; Seconded by Trustee Chessler.

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

**Administration:**

**Consider Richville Cemetery Headstone Issue**

Trustee Haines stated that there have been some emails circulating concerning an issue of a headstone at Richville Cemetery that has settled and is now leaning. Trustee Haines gave some brief details regarding this settling issue and indicated that in his discussion with Law Director Hall, felt that a discussion between the foundation service, the memorial company and the burial excavator should be coordinated that would also include the Anania family, our Administrator and Cemetery Sexton.

Additionally, Law Director Hall indicated that in coordinating these parties, it can be determined if there could be some shared responsibility between the foundation service, memorial company and burial excavator and come up with a reasonable resolution regarding this matter. Trustee DeChiara also indicated that the other family next to this headstone should be involved as well. Mr. Hall stated that he was unaware that they were affected but indicated that they could address this also.

Trustee Chessler relayed to Law Director Hall that he was concerned about this being a reoccurring problem and indicated that he didn't think we wanted to get into a situation with grieving families and this issue when all we did was provide the place to do it; Law Director Hall relayed that this issue has been an exception in the approximation of the two burials a year that have taken place over the last five or six years at Richville Cemetery. Law Director Hall stated that hopefully we can resolve this matter and come up with a recommendation to relay back to the Board to prevent this kind of situation in the future.

Trustee Chessler had a question regarding the foundation installation process; Trustee Haines gave a brief explanation of the setting of the foundation, headstone and burial excavation process. Law Director Hall verified that this process was something that we need to examine and explore and come up with some recommendations that may change the rules for the future, but as the cemetery owner, we should at least facilitate or try to find a resolution between the interested parties.

Trustee Chessler indicated that his point of suggestion was that if we are going to run a cemetery, we ought to ensure some standards so that the people who work in the cemetery that dig the holes, do the footers and put the memorials in know what they're doing and if they don't they'll have a bond or we would have recourse. Law Director Hall again stated that we would further investigate this matter and make some of our own recommendations.

#### **Fire Department:**

##### **Consider the Purchase of Self Contained Breathing Apparatus ~ FEMA Grant**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the purchase of miscellaneous Self Contained Breathing Apparatus (SCBA) equipment from Fire Force Inc., P.O. Box 552, Columbiana, Ohio 44408 at a cost not to exceed \$198,975.00.

- The Perry Township Fire Department was awarded a FEMA grant in the total amount of \$203,490.00 to purchase miscellaneous SCBA equipment. The FEMA grant is a 90/10 grant, meaning that FEMA will contribute \$184,991.00 and the Perry Township Fire Department is responsible for \$18,499.00.
- The department is recommending the purchase of MSA G1 Self Contained Breathing Apparatus.
- There is no State Bid pricing for SCBA's; however, General Service Administration (GSA) pricing is available and was obtained.
- GSA pricing was quoted at \$204,522.99 without the inclusion of the (4) Thermal Imaging Cameras mounted to (4) SCBA's. The requested purchase information, attached before the Board.

- The bid from Fire Force is lower than the GSA pricing. (Law Director Hall has indicated that using the GSA pricing as a comparison is compliant with the Ohio Revised Code procurement procedures.)

Trustee Haines made a motion that the Board approve for the Fire Chief to buy the Self Contained Breathing Apparatus equipment from Fire Force Inc. out of Columbiana, Ohio at a cost not to exceed \$198,975.00 for Perry Township and to seek reimbursement for the FEMA grant of \$184,991.00; Seconded by Trustee Chessler.

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

#### **Consider Renewal of Lexipol Policy Services**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees renew the Lexipol Policy Manual subscription service for the time period of October 1, 2018 – September 30, 2019 at a cost not to exceed \$7,037.00.

- The Fire Department, with the assistance of Lexipol, has been in the process of developing and updating the department policy manual.
- This has been a time-consuming process and the department is close to completing the process.
- Once the policy manual is complete, Lexipol will then additionally provide daily training bulletins for the department and policy updates.
- Because the Township is protected by the Ohio Township Association Risk Management Authority, the Fire Department is eligible for a \$1,000.00 grant for contracting with a professional policies and procedures service.

Trustee Chessler made a motion that the Board, on the request and recommendation of the Fire Chief, renew the Lexipol policy manual subscription service with the time period of October 1, 2018 to September 30, 2019 at a cost not to exceed \$7,037.00; Seconded by Trustee DeChiara.

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

#### **Police Department:**

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

#### **Consider Approval of the 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Improvement Phase 1 - Pay Request #4/Final**

Road Superintendent Masalko stated that as the Board is aware, Phase 1 of the 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Project finally came to an end and we received a pay request from Hammontree & Associates and Superior Paving & Materials. Mr. Masalko indicated that the total request for Hammontree was \$1,934.30; the OPWC portion is \$1,547.44 and the Township's portion is \$386.86. Superior Paving's total request is \$6,970.00; the OPWC portion is \$5,576.00 and the Township's portion is \$1,394.00. Mr. Masalko stated that he will need approval and signatures in order to pay the Township's portion and then send the rest to OPWC.

Trustee Haines made a motion that the Board approve the amount of payment for the OPWC for the Township portion, the Hammontree & Associates of \$386.86 and to Superior Paving & Materials for \$1,394.00 is the Township portion; Seconded by Trustee Chessler.

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

**Consider Approval of the 4<sup>th</sup> Street/Pleasant Hills Storm Sewer Improvement Phase 2 – Pay Request #1**

Road Superintendent Masalko stated that the second OPWC pay request is for Phase 2 of the 4<sup>th</sup> St./Pleasant Hills Request 1; the Hammontree and Associates' request is \$3,847.50; the OPWC portion is \$3,078.00; and the Township portion is \$769.50. Easton Construction has not requested anything.

Trustee Haines made a motion in regard to the 4<sup>th</sup> Street/Pleasant Hill Storm Sewer Improvement Phase 2, the OPWC pay request instructions for Request 1 that the Township pay their portion to Hammontree & Associates of \$769.50; Seconded by Trustee Chessler.

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

~Deputy Fire Chief Mark Abbott was recognized as the Stark County Firefighter of the Year on October 9, 2018 during the Annual Fire Prevention Breakfast beginning at 8:00 am at Skyland Pines.

~Perry Township Trick or Treat will be observed on Sunday, October 28, 2018 from 3:00 to 5:00 pm.

**Public Speaks-Open Forum:**

Christian Walton, 2944 12<sup>th</sup> St., Massillon – Mr. Walton stated that his issue relates to the pool next door to him at 2952 and him dealing with this for a little over ten years. Mr. Walton gave a detailed explanation regarding this matter and this property owner's mowing issues as well as his communications with the Health Department.

Law Director Hall stated that he understood Mr. Walton's frustration and indicated that the Township Zoning Department has addressed the issue of the lawn mowing and relayed that they have assessed this property several times. Mr. Hall stated in regard to the pool matter, the Township has not taken any enforcement action because it is not a violation of our property maintenance code, the fence is in place, it is not a violation of our zoning resolution and relayed that the health department took the lead concerning this.

Trustee DeChiara indicated that we should try and get to the root of this issue. Mr. Hall stated that it would be up to the Health Department to find the funding to remediate the problem by basically filling in the pool. Mr. Hall verified of Zoning Inspector Cugini if he would be able to again please contact Mr. Paulus at the Health Department and that he would again contact the attorney for the Health Department concerning the status of this matter; and would be able to give a full report back to the Board.

Mr. Walton indicated that another thing he is concerned about are the several trees in this same property owner's yard that are dead and leaning directly toward his house. Mr. Walton stated that he feels that his family is in imminent danger of the tree falling and possibly causing damage to his family and their home. Trustee Chessler inquired if Mr. Walton sent a letter; Mr. Walton verified that he did send a letter to the daughter that is living there now as well as sent a registered letter to the owner which is in Nebraska. Zoning Inspector Cugini indicated that they did assist Mr. Walton in finding the out-of-state address for this property owner.

Trustee DeChiara verified that Zoning Inspector Cugini would contact Mr. Paulus of the Health Department and Law Director Hall would contact the Health Department's attorney. Law Director Hall indicated that they would then communicate to the Board and Mr. Walton what measures would be needed and they could put together a response plan.

Additionally, Mr. Walton indicated an issue he has regarding the ditch in the front of his house and gave a detailed explanation concerning this matter. Trustee Haines stated that he would make a call to Mr. Torrence at the county engineer's office to find out what their ditch policies and procedures are and would get back to Mr. Walton.

Mr. Walton stated that the traffic is still a problem on 12<sup>th</sup> Street and it's not going away. Mr. Walton relayed that he does not see any police presence there at all. Police Chief Pomesky relayed that in the past, the Police Department has rented a speed trailer to run in that area of 12<sup>th</sup> Street for a five-month period of time but indicated that he would definitely add this area to their extra patrol.

Trustee Haines indicated that they would do their research on the issues Mr. Walton referenced; Trustee DeChiara verified that they would try to resolve this pool issue; Mr. Walton stated that he would appreciate it.

**Executive Session(s):**

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) investigation of charges to include the Board, Fiscal Officer, Law Director and Police Chief with no action to be taken; Seconded by Trustee DeChiara.

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

The Board adjourned into Executive Session at: 7:41 pm

The Board adjourned from Executive Session at: 8:14 pm

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 8:14 pm; Seconded by Trustee Chessler.

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

---

Doug Haines, President

---

Joe Schlegel, Fiscal Officer