

**Perry Township Board of Trustees  
Work Session 6:00 pm/Regular Meeting 7:00 pm  
December 18, 2018**

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

**Excused absence:** Trustee Ralph DeChiara

**Additions/Deletions to Agenda:**

**Public Hearings/Invited Guests:**

**6:00 to 7:00 pm – Road and Police Levy Discussions**

**Zone Commission Case #PE 03-18/7:00 pm**

**Applicant: Waikem Properties LLC**

**Address: 215 Locke NW – Two Vacant Lots on Harding NW**

**Current Zoning: R-3 Single Family Duplex and Four Family Residential**

**Property Zoned: B-2 Commercial - Case Forwarded to Stark County Regional Planning on 11/05/18,  
Received SCRP Recommendation of Approval with Modifications on 12/05/18**

**Zone Commission Case #PE 04-18**

**Applicant: Waikem Properties LLC**

**Address: Parcel #43-02117 – Vacant Lot Harding Ave. NW, Massillon 44646**

**Current Zoning: R-5 High Density Multifamily Limited Service Business**

**Property Zoned: B-2 Commercial - Case Forwarded to SCRP on 11/05/18, Received SCRP  
Recommendation of Approval on 12/05/18**

Trustee Chessler stated that as with all the cases, once these matters were filed with the Township Zoning office, they are referred to the Stark County Regional Planning Commission; the Regional Planning considered both of these cases on December 4<sup>th</sup>; both of them were requests to reclassify from a residential classification to a B-2 Commercial District; in both instances the recommendation of the Regional Planning Commission was for approval; they had their comments that they generally do; especially with properties that abut or are near Lincoln Way and that was their recommendation to the Board. Our Zoning Commission met thereafter and considered these cases both again in tandem; I believe Mr. Waikem was at the hearing at that time and he presented his comments in addition to the documents that were there; there were three people who asked to speak and they had comments that were adverse to the granting of the zone change; I believe the zone members then present, which was a quorum, discussed among themselves and voted unanimously on both cases to recommend to the Board of Trustees approval of the zone change request.

Zoning Inspector Cugini indicated the modifications are:

The vacant lot on Locke Avenue NW, Parcel #43-18431;

Vacant Lot on Harding Avenue NW, Parcel #43-01310;

Vacant lot on Harding Avenue NW, Parcel #43-01312.

Mr. Cugini indicated that those lots are to be changed to B-2 and 215 Locke, which is the lot with a home and the lot just north of that, a vacant lot on Locke Avenue NW, Parcel #43-01361 are to remain in its current zoning status as R-3.

Trustee Chessler inquired of Mr. Waikem if he would like to add any comments as well as affirm the modification request. Mr. Doug Waikem gave a brief summary regarding this matter and his modification affirmation.

Mr. Mat Hoot, 210 Locke Ave. NW – Mr. Hoot referenced the trash that blows from the dumpsters at the Waikem Auto dealership and ends up in his and other neighbors' yards. Mr. Waikem confirmed their willingness for fence placement.

Mike Harris, 229 Locke Ave. NW – Mr. Harris stated that he was here with his wife Kathy and they wanted to thank Mr. Waikem for the improvements made of the surrounding Waikem properties in the last week and a half.

Trustee Chessler made a motion, based on the record that we have before us and the testimony here tonight, with regard to Case #PE 03-2018, that the Perry Township Board of Trustees adopt the recommendation of approving the zone change with the recommendations made by the Perry Township Zoning Commission; that being to allow the lot at 215 Locke and the lot north of that which is vacant on Locke to remain in an R-3 classification; the others will be transferred to B-2 classification and further made a motion that the Board adopt the recommendation of the Perry Township Zoning Commission to affirm and approve the request in PE-04-2018 with all lots affected going from R-5 to B-2; Seconded by Trustee Haines.

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

**Communications:**

**Public Speaks on Items up for Board Approval:**

**Township Business requiring Board Action:**

**Unfinished Business:**

**Consider the Acceptance of the Guarantee for Superior Paving & Materials**

Trustee Haines referenced the discussion from past several meetings regarding the paving contract invoice matter from Superior Paving & Materials and indicated the Board's appreciation to Law Director Hall and Road Superintendent Masalko for working on an agreement concerning this matter. Trustee Haines indicated that Superior Paving & Materials has given us a three (3) year guarantee. Law Director Hall stated his recommendation to the Board for acceptance of this guarantee.

Trustee Haines made a motion that the Board accept the guarantee from Superior Paving for the time of three (3) years and to make sure that it withholds people to all other pavement done by them this year; Seconded by Trustee Chessler.

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

### **Status of Palmer Shankle Request for Genoa Avenue to Become a No Through Truck Street**

Road Superintendent Masalko indicated that he asked Stark County Regional Planning to do a traffic count study regarding Genoa Avenue through SCATS (Stark County Area Transportation Study) and relayed a brief summary of their findings. Trustee Haines verified the traffic study on Genoa Avenue from Route 172 to Southway; Mr. Masalko confirmed yes. Further discussion among the Board took place concerning the specifics for signage, including placement.

Trustee Haines made a motion, based upon the study and request of Palmer Shankle, that we erect two signs on Genoa, one south of 172 and one north of Southway that states 'No Through Trucks, Local Deliveries Only' to decrease truck traffic on Genoa; Seconded by Trustee Chessler.

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

### **Status of Walter Tidenberg Eagle Scout Bat House Placement Discussion at Hartwick Park**

Road and Park Superintendent Masalko indicated that he met with Walter Tidenberg's father at Hartwick Park to coordinate the placement of the posts for the bat houses. Mr. Masalko indicated that the original request was to place six (6) posts for the bat houses but was narrowed down to four (4) posts. Mr. Masalko relayed that he did give Mr. Tidenberg the waiver and release claim form and would request the Board's approval for them to start this project sometime this spring.

Trustee Haines referenced the updated placement request for the bat house posts and indicated that he would like to see the post near the concession stand be moved to the east by 100 feet or so. Mr. Masalko confirmed this request.

Trustee Haines made a motion that the Board approve the Eagle Scout project to Walter Tidenberg in response to his request for the bat house placement at Hartwick Park; Seconded by Trustee Chessler.

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

### **New Business:**

Trustee Haines made a motion to approve bills and payroll in the amount of \$161,402.75 for the week ending December 11, 2018 and bills in the amount of \$61,078.30 for the week ending December 18, 2018 for a combined total of \$222,481.05; Seconded by Trustee Chessler.

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

### **Fiscal Officer:**

### **Administration:**

#### **Consider Volunteer Fire Fighters' Dependents Fund**

Administrator Fetzer indicated that Mr. Adam Silla brought forth this request on December 7, 2018 and requested that it be discussed at this open meeting.

Administrator Fetzer relayed that the Perry Township Fire Department participates in a program called the Volunteer Fire Fighters' Dependents Fund through the State Fire Marshal. This fund is available for

part-time firefighters and their families should a line-of-duty death or disability occur. The volunteer Fire Fighters' Dependents Fund Board shall consist of five (5) members; two of those members shall be elected by the legislative authority of the political subdivision or fire district. Mr. Silla has stated that they are in need of two (2) nominations of fire department members for appointment by the Board of Trustees.

Trustee Haines made a motion that the Board appoint Adam Silla and Larry Sedlock as Board representatives to serve on the Volunteer Firefighters Dependent's Fund for 2019; Seconded by Trustee Chessler.

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

#### **Consider 2019 Aultcare Vision, Dental COBRA Administrative Fees**

Administrator Fetzer referenced the supporting documents before the Board and indicated that the Aultcare vision, dental and Cobra Administrative fees have been renewed to 0% and will remain at these current prices for the next coming year. Administrator Fetzer stated that she is requesting the Board to approve these administrative fees and also requested the Board President's signature on the Aultcare documents as well.

Trustee Haines made a motion that the Board approve the Aultcare Administrative fees, that the fees stay the same with the vision being \$1.61; dental being \$4.11; COBRA being \$2.60 for a total of \$8.32; Seconded by Trustee Chessler.

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

#### **Consider Ohio EPA National Pollutant Discharge Elimination System MS4 Annual Discharge Fee in the Amount of \$1,5,00**

Administrator Fetzer referenced the current Ohio EPA invoice, attached before the Board, regarding the annual discharge fee and the MS4 permit in the amount of \$1,500.00. Administrator Fetzer relayed that this is applicable to all MS4 operators pursuant to Ohio Revised Code 3745.1L6 and is applicable to over 500 entities in the State of Ohio, including townships, villages and cities required to obtain annual discharge permits.

Trustee Haines made a motion that the Board approve the Ohio EPA National Pollutant Discharge Elimination System MS4 Annual Discharge fee for 2019 in the amount of \$1,500.00; Seconded by Trustee Chessler.

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

#### **Fire Department:**

#### **Consider the Resignation of Part-Time Firefighter Joe DiAntonio**

#### **Consider the Resignation of Part-Time Firefighter Beau Boswell**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees accept the resignations of part-time firefighters Joe DiAntonio and Beau Boswell. Chief Martin stated that as the

Board is aware, Joe took a job with the City of Beechwood and came back part-time and has been back for a couple of years but now wants to focus more on the job at Beechwood; Beau Boswell recently accepted a full-time position with the City of Massillon Fire Department. Chief Martin requested these resignations be effective today, Tuesday, December 18, 2018.

Trustee Haines made a motion that the Board approve the resignations of part-time firefighters Joe DiAntonio and Beau Boswell effective today, Tuesday, December 18, 2018; Seconded by Trustee Chessler.

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

#### **Status Report on IAFF Local 3960 Negotiations Mediation**

Law Director Hall indicated that he would defer to Chief Martin and Trustee Chessler but relayed that negotiations have been amicable and we have agreed on compensation and the financial benefit package. Mr. Hall stated that there were a couple of policy-sticking points that both sides seemed to not be able to get together on and there was some discussion as to whether or not we should proceed to mediation. Mr. Hall indicated that his recommendation is to not proceed to mediation but to direct a fact-finding. Law Director Hall stated that he had a brief discussion with the union representative and he also agreed with that so with the Board's permission, Mr. Hall indicated that he would communicate with SERB tomorrow and ask for the appointment of the fact-finding panel so we can take this to the next step. Mr. Hall verified this of Fire Chief Martin; Chief Martin stated that he would defer to Law Director Hall and Trustee Chessler as to what would be the best way to go regarding this matter.

Mr. Hall again indicated that this would be his recommendation and also relayed that a motion was not needed but wanted to put this on the record.

Trustee Chessler indicated that he would reiterate what Law Director Hall said and gave a brief explanation regarding these negotiations. Trustee Chessler stated that he felt that both sides did recede in good faith and it was a very civil discourse; Trustee Chessler indicated he was sure we will get there with the next step.

#### **Police Department:**

##### **Consider Massillon Prisoner Transportation Agreement**

Police Chief Pomesky indicated that attached for the Board's review and approval is the Prisoner Transportation Agreement between Perry Township and the City of Massillon; this contract runs from January 1, 2019 through December 31, 2019. The cost per prisoner transport in 2019 will be \$125.00; Chief Pomesky indicated that this does not appear to be an increase from 2018. Chief Pomesky verified that he forwarded the agreement to Law Director Hall for his review and approval and is requesting the Board's approval of this contracted service to enable us to continue having our prisoners transported timely to Massillon Municipal Court.

Trustee Chessler made a motion, based on the Chief's request, that the Board enter into or continue our prisoner transport agreement with the City of Massillon under the terms set forth in the written agreement; Seconded by Trustee Haines.

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

### **Consider Fact Finding Report**

Law Director Hall indicated that we received the fact-finding report and that today is the statutory deadline to either accept or reject. Mr. Hall indicated that if the Board takes no action, that will be deemed accepted. Mr. Hall relayed that he was informed today that the union members did vote to accept it, but his recommendation is that we reject the fact-finding report proceeding conciliation. Mr. Hall stated that his main basis of that is that the fact-finder overstepped his bounds by making contingent recommendations based upon matters that are purely legislative for the Board to consider. Mr. Hall further indicated that if the Board does reject the fact-finding report, he will notify SERB and the union timely.

Trustee Chessler indicated that he wanted to weigh in on this matter and relayed that the Township went to this fact-finder as a neutral and rather than taking the issues that were put before him, he came up with a suggestion at the hearing that was beyond the scope of a handful of the issues we asked him to resolve. Trustee Chessler also relayed that he found it very unsettling that the fact-finder would come in and tell us how we ought to staff our police department and what he thinks the important issues are, regardless of what our union and what our management team thinks are important.

Trustee Chessler stated that based on his explanations and based on Law Director Hall's recommendation, made a motion that the Board reject the report and recommendation of the fact-finder in Case 2018MED09 with 929 and 0930; Seconded by Trustee Haines.

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

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

#### **Consider AFSCME 8 Collective Bargaining Agreement Proposed Changes for 2019-2020**

Law Director Hall stated that we have reached a tentative agreement that the union local voted last Friday to approve. Mr. Hall relayed that he and Road Superintendent Masalko, along with Trustee Chessler's assistance, negotiated several changes and received a lot of managerial concessions from union; the union has agreed to a 2% pay raise each year for the next three (3) years. Mr. Hall indicated that the only other economic issue was to bump up their uniform allowance by \$100.00; his recommendation that the Board accept and authorize him to enter into a final contract for presentation at the January Reorganizational meeting. Trustee Chessler stated so moved; Seconded by Trustee Haines.

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

### **Law Director:**

#### **Zoning:**

#### **Problem Properties:**

#### **Executive Session(s):**

**Department Matters Not Requiring Board Action:**

**Administration:** None.

**Fire Department:** None.

**Police Department:**

November Stats

**Road Department:** None.

**Parks/Recycling:** None.

**Zoning:** None.

**Law Director:** None.

**Announcements:**

**Public Speaks-Open Forum:**

**Adjournment:**

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:39 pm; Seconded by Trustee Chessler.

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

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Doug Haines, President

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Joe Schlegel, Fiscal Officer